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OF THE
EIGHTH SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA,
BEGUN AND HELD AT THE CITY OF VIRGINIA, THE CAPITAL
OF SAID TERRITORY, ON THE FIFTH DAY OF JANUARY
A. D. 1874, AND CONCLUDED ON THE THIR-
TEENTH DAY OF FEBRUARY, A. D. 1874.

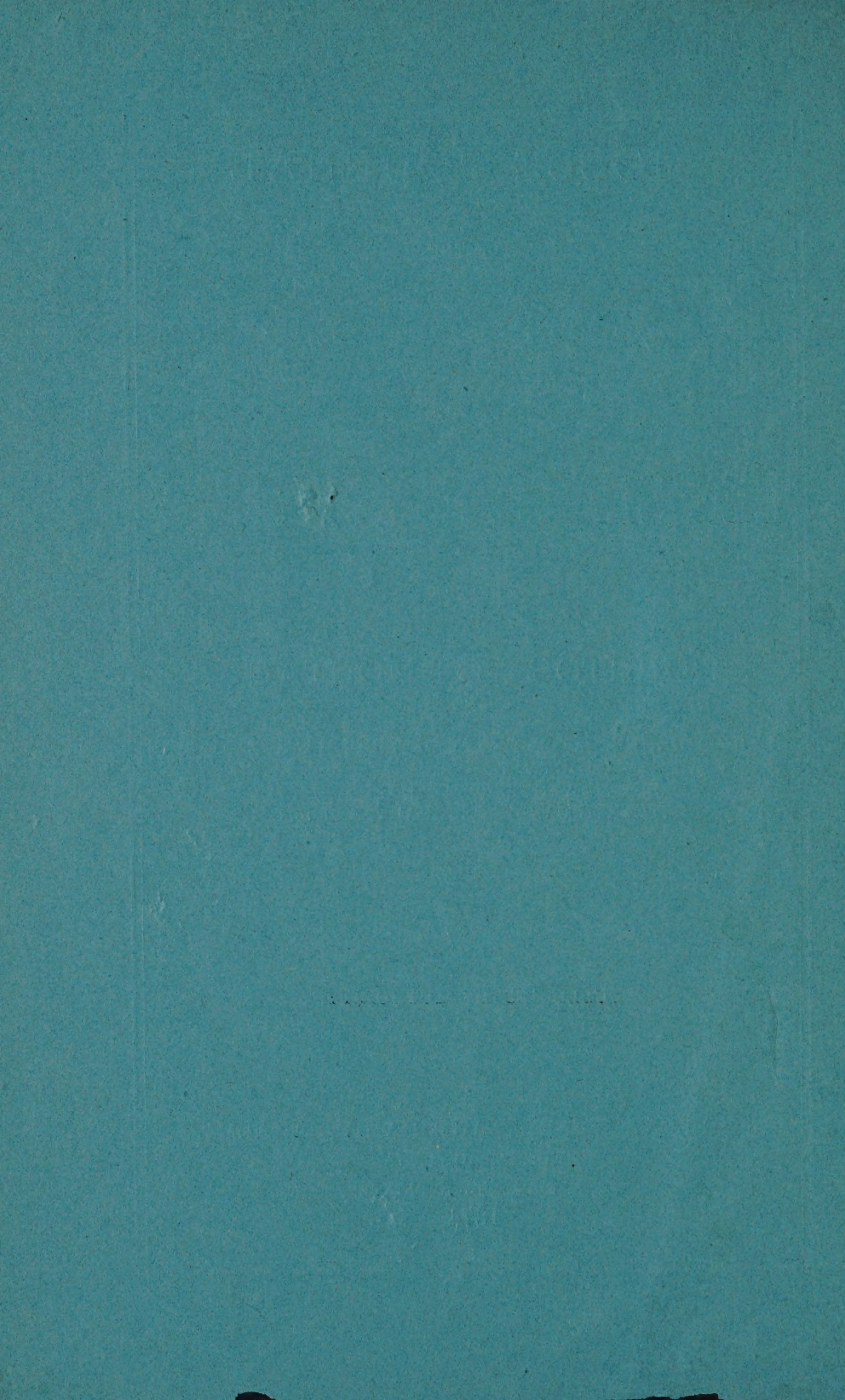
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“HELENA WEEKLY AND DAILY HERALD,”

HELENA, MONTANA.

R. E. FISK, PUBLIC PRINTER.

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HOUSE JOURNAL

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DAY, EGBERT, & FIDLAR,
MANUFACTURERS,
DAVENPORT, IOWA.

MEMBERS OF THE COUNCIL.

G. W. STAPLETON, *President*.
R. E. ARICK.
O. B. BARBER.
A. H. BEATTIE.
CHAS. COOPER.
W. B. DANCE.
J. J. DAVIS.

OWEN GARRIGAN.
L. R. MAILLET.
D. P. NEWCOMER.
JAMES STUART.
J. C. WALKER.
E. T. YAGER.

A. M. S. CARPENTER, *Chief Clerk*.
ROBERT W. HILL, *Assistant Clerk*.
T. E. COLLINS, *Engrossing Clerk*.
W. B. MORRISON, *Enrolling Clerk*.

J. E. ALLEN, *Sergeant-at-Arms*.
J. M. CASTNER, *Door-Keeper*.
S. T. FULKERSON, *Watchman*.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

J. H. ROGERS, *Speaker*.
E. D. AIKEN.
J. A. ALGER.
J. M. ARNAUX.
J. A. BROWN.
ALEX. CARMICHAEL.
W. A. CHESSMAN.
GEORGE S. COLEMAN.
OTIS CURTIS.
A. DUSOLD.
ISAAC DEAN.
R. K. EMERSON.
BENJ. EZEKIEL.

J. W. HARTWELL.
C. L. HARRINGTON.
F. GEORGE HELDT.
JAMES KENNEDY.
J. C. KERLEY.
SAMUEL MALLORY.
CHRISTIAN MEAD.
G. W. McCAULEY.
C. C. O'KEEFE.
W. F. SANDERS.
I. S. STAFFORD.
C. W. SUTTON.
C. M. TATE.

A. H. BARRETT, *Chief Clerk*.
W. W. CHAPMAN, *Assistant Clerk*.
E. P. OWENS, *Engrossing Clerk*.
S. HUGHES, *Enrolling Clerk*.

GEO. BROFFY, *Sergeant-at-Arms*.
GEO. LINDER, *Door-Keeper*.
M. MALONEY, *Watchman*.

FEDERAL OFFICERS.

GOVERNOR.

BENJ. F. POTTS, VIRGINIA CITY.

SECRETARY.

JAMES E. CALLAWAY, VIRGINIA CITY.

JUDICIARY.

1st District—F. G. SERVICE, *Associate Justice*, VIRGINIA CITY.

2d District—HIRAM KNOWLES, *Associate Justice*, DEER LODGE.

3d District—D. S. WADE, *Chief Justice*, . HELENA.

UNITED STATES DISTRICT ATTORNEY.

M. C. PAGE, RADERSBURG.

UNITED STATES MARSHAL.

W. F. WHEELER, HELENA.

COLLECTOR OF CUSTOMS.

T. C. CUMMINGS, HELENA.

SURVEYOR GENERAL.

A. J. SMITH, HELENA.

COLLECTOR AND ASSESSOR OF INTERNAL REVENUE.

T. P. FULLER, HELENA.

REGISTER OF LAND OFFICE.

W. C. CHILD, HELENA.

RECEIVER OF PUBLIC MONEYS.

SOL. STAR, HELENA.

TERRITORIAL OFFICERS.

AUDITOR.

GEORGE CALLAWAY, VIRGINIA CITY.

TREASURER.

RICH. O. HICKMAN, VIRGINIA CITY.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

CORNELIUS HEDGES, HELENA.

EIGHTH LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA.

HOUSE JOURNAL.

FIRST DAY.

MONDAY, JANUARY 5, 1874.

House met in pursuance of law, and was called to order by the Hon. J. H. Rogers, Speaker (late Speaker).

The roll of members elect and claiming seats in this House was called by W. W. Chapman, Chief Clerk of the last House, when the following members appeared and answered to their names:

First Representative District, Madison County—I. S. Stafford, Benjamin Ezekiel, Samuel Mallory, Alex. Carmichael.

Second Representative District, Deer Lodge County—J. C. Kerley, J. H. Rogers, E. D. Aiken, James A. Alger, Isaac Dean.

Third Representative District, Lewis and Clark County.—A. Dusold, W. F. Sanders, F. George Heldt, Joseph W. Hartwell, W. A. Chessman.

Fourth Representative District, Beaver Head County—Joseph A. Brown, Christian Mead.

Fifth Representative District, Missoula County—James Kennedy.

Sixth Representative District, Choteau and Dawson County—Jas. M. Arnaux.

Seventh Representative District, Meagher County—C. W. Sutton, C. L. Harrington.

Eighth Representative District, Jefferson County—Otho Curtis, R. K. Emerson, George W. McCauley.

Ninth Representative District, Gallatin and Big Horn Counties—C. M. Tate, George M. Coleman.

Absent—Mr. O'Keefe, of Missoula county.

There being a quorum present, the Speaker arose from his chair and stated to the House his reasons for assuming the Speakership, at the conclusion of which Mr. Curtis moved that this House adjourn until 10:30 o'clock A. M. to-morrow.

The question being put the Speaker declared himself unable to decide the result, whereupon the ayes and nays were demanded, resulting as follows :

Ayes—Messrs. Aiken, Alger, Coleman, Curtis, Emerson, Harrington, Kennedy, Kerley, Mead, McCauley, Sutton, Tate and Mr. Speaker—13.

Noes—Messrs. Arnaux, Brown, Carmichael, Chessman, Dunsold, Dean, Ezekiel, Hartwell, Heldt, Mallory, Sanders and Stafford—12.

Absent—Mr. O'Keefe—1.

When the Speaker declared this House adjourned until 10:30 o'clock A. M. to-morrow.

J. H. ROGERS,

Speaker of the House of Representatives pro tem.

W. W. CHAPMAN,

Chief Clerk pro tem.

SECOND DAY.

JANUARY 6, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair. Roll called. Quorum present.

Journal of the preceding day read and approved.

On motion of Mr. Sanders, Mr. J. M. Arnaux, member elect from the counties of Choteau and Dauson, came forward and was sworn in according to law.

Mr. J. C. Kerley was called to the chair.

Mr. Rogers, the Speaker, handed in his resignation as Speaker, which was accepted by the House.

On motion of Mr. Ezekiel the House proceeded to the election of a permanent Speaker.

Mr. Ezekiel nominated Mr. J. H. Rogers, of Deer Lodge county.

Mr. Hartwell nominated Mr. Samuel Mallory, of Madison county.

On motion of Mr. Alger the election of Speaker was taken *viva voce*.

The roll being called the following members voted for Mr. J. H. Rogers :

Messrs. Aiken, Alger, Arnaux, Brown, Coleman, Curtis, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate—18.

Those voting for Mr. Samuel Mallory were Messrs. Carmichael, Chessman, Dusold, Dean, Hartwell, Heldt, Sanders and Rogers—8.

Mr. Rogers having received a majority of all the votes cast was declared by the Chair duly elected Speaker of this House.

The Chair appointed Messrs. Harrington and Hartwell a select committee to wait upon the Speaker elect and conduct him to the chair, which being accomplished, the Speaker returned thanks for the honor conferred upon him.

Mr. Ezekiel offered the following resolution, which was adopted :

Resolved, That the offices of Chief Clerk, Assistant Clerk, Engrossing and Enrolling Clerks, Sergeant-at-Arms, Door-keeper, Watchman and Messenger be declared vacant, and that we immediately proceed to fill said offices by election.

On motion of Mr. Sanders, Mr. Chapman was elected Chief Clerk *pro tem*.

On motion of Mr. Ezekiel, the standing rules of the last session were adopted by this House until further orders.

Nominations for Chief Clerk being in order, Mr. Ezekiel nominated Mr. A. H. Barrett, of Jefferson county. There being no other nominations Mr. Barrett was declared elected Chief Clerk of this House by acclamation.

Nominations being in order for Assistant Clerk, Mr. ——— nominated Mr. W. W. Chapman, of Madison county, and Mr. Hartwell nominated Mr. Richard Locky, of Lewis and Clark counties.

The roll being called Mr. Chapman received eighteen votes and Mr. Locky received eight votes. Mr. Chapman having received a majority of the votes cast was declared by the Speaker duly elected Assistant Clerk of this House.

Nominations for Engrossing Clerk being in order, Mr. Aiken nominated Mr. P. E. Owens, of Deer Lodge county. Mr. Carmichael nominated Mr. F. C. Denuling, of Madison county.

The roll being called, Mr. Owens received eighteen votes and Mr. Denuling received eight votes. Mr. Owens having received a majority of all the votes cast was declared by the Speaker duly elected Engrossing Clerk of this House.

Nominations being in order for Enrolling Clerk, Mr. Ezekiel nominated Mr. Hughes. Mr. Chessman nominated Mr. S. R. Shankland.

The roll being called, Mr. Hughes received seventeen votes and Mr. Shankland received nine votes. Mr. Hughes having received a majority of all the votes cast, was declared by the Speaker duly elected Enrolling Clerk of this House.

Nominations for Sergeant-at-Arms being in order, Mr. Emerson nominated Mr. George Broffy, of Jefferson. Mr. Heldt nominated Mr. David McCraner, of Madison county.

The roll being called, Mr. Broffy received twenty votes and Mr. David McCraner received six votes. Mr. Broffy having received a majority of all the votes cast, was declared by the Speaker duly elected Sergeant-at-Arms of this House.

Nominations for Watchman being in order, Mr. Coleman nominated Mr. Blakely, of Gallatin county. There being no other nominations, Mr. Blakely was declared duly elected Watchman by acclamation.

Nominations being in order for Door-Keeper, Mr. Ezekiel nominated Mr. Linder. There being no other nominations, Mr. Linder was declared duly elected Door-Keeper by acclamation.

Nominations for Messenger being in order, Mr. Ezekiel nominated Master Richard Watson. Mr. Hartwell nominated Master Willie Clark.

The roll being called, Master Watson received eighteen votes, Master Clark received seven votes, Master Thexton received one vote. Master Watson having received a majority

of all the votes cast, was declared duly elected Messenger of this House.

On motion of Mr. Ezekiel, the officers elect came forward and were sworn in by the Speaker, and were assigned their respective places.

Messrs. Ezekiel, Hartwell and Sutton were, on motion, appointed a committee of three to await upon the Council and inform them that the House had permanently organized and were ready to proceed with business, and reported as follows, to wit:

MR. SPEAKER: Your committee, appointed to inform the Council that the House had organized, beg leave to report that they have performed the duty assigned them.

EZEKIEL, J. W. HARTWELL, C. W. SUTTON,	}	Committee.
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Report received and committee discharged.

Mr. Mead introduced the following resolution, which was adopted:

Resolved, That this House will meet the Council in the hall of the House of Representatives at 3 o'clock P. M. this day, January 6th, 1874, in joint session, or at such other time as the Governor or Council may select, to hear any communication which the Governor may be pleased to make.

Mr. Kerley offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by the House to act with a like committee from the Council, and call upon the Governor and inform him of the organization of both Houses.

Messrs. Kerley, Dusold and Aiken, were appointed said committee.

On motion of Mr. Ezekiel, the Judges of the Supreme Court and members of the Court were granted seats within the bar.

On motion of Mr. Meade, the following resolution was adopted:

Resolved, That to accommodate such members as may desire to attend the Supreme Court, now in session, during the present week the sessions of the House shall commence at 2 o'clock P. M.

On motion of Mr. Brown, the House took a recess to 2 o'clock this P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

The Speaker announced the following Standing Committees, to wit:

HOUSE STANDING COMMITTEES.

Ways and Means—R. K. Emerson, E. D. Aiken, J. W. Hartwell, J. C. Kerley, S. Mallory.

Judiciary—George S. Coleman, W. F. Sanders, J. Alger, Christian Mead and C. W. Sutton.

Internal Improvements—Otho Curtis, Samuel Mallory, Jos. A. Brown, I. Dean and J. Kennedy.

Territorial Affairs—Curtis L. Harrington, Isaac Dean, A. Dusold, R. K. Emerson and C. M. Tate.

Finance—C. W. Sutton, W. A. Chessman, J. A. Brown, Otho Curtis and I. S. Stafford.

Roads and Highways—Isaac Dean, R. K. Emerson, J. M. Arnaux, James Kennedy and C. C. O'Keefe.

Public Lands—Samuel Mallory, C. L. Harrington, C. Mead, George W. McCauley and W. F. Sanders.

Federal Relations—Benjamin Ezekiel, Alex. Carmichael, J. Alger, E. D. Aiken and I. Stafford.

Education and Labor—W. F. Sanders, Isaac Stafford, A. Carmichael, James M. Alger and J. M. Arnaux.

Towns and Counties—Joseph A. Brown, J. W. Hartwell, J. M. Arnaux, Benjamin Ezekiel and G. M. M'Cauley.

Military Affairs—W. A. Chessman, A. Dusold, G. W. McCauley, C. M. Tate and W. F. Sanders.

Incorporations—James Kennedy, George S. Coleman, C. Meade, A. Dusold and C. M. Tate.

Agriculture and Manufactures—C. M. Tate, C. C. O'Keefe, A. Carmichael, James W. Hartwell and J. M. Arnaux.

Elections—Christian Meade, F. George Heldt, E. D. Aiken, J. C. Kerley and A. Dusold.

Indian Affairs—I. Stafford, G. George Heldt, I. Dean, C. C. O'Keefe and R. K. Emerson.

Mines and Minerals—E. D. Aiken, George W. McCauley, J. A. Brown, C. W. Sutton and W. A. Chessman.

Engrossment—F. George Heldt, C. L. Harrington and Otho Curtis.

Enrollment—Joseph M. Alger, Benj. Ezekiel and W. A. Chessman.

Printing—J. C. Kerley, W. A. Chessman, O. Curtis, C. W. Sutton and S. Mallory.

On motion of Mr. Alger, a committee of three was appointed on Rules.

J. M. Alger, I. Stafford and E. D. Aiken were appointed said committee.

On motion, Mr. Kerley, Mr. Chessman and Mr. Mallory were appointed to wait on the Secretary of the Territory immediately in regard to printing.

Mr. Garrigan, Chairman of the Special Committee from the Council, informed the House that the Council was organized and ready to proceed with business.

Mr. Ezekiel reported that he had informed the Council that the House had organized and were ready for business.

The following communication was received from the Council:

COUNCIL CHAMBER,
VIRGINIA CITY, Jan. 6th, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that Messrs. Newcomer, Davis and Stuart have been appointed a committee on the part of the Council to confer with a like committee on the part of the House to prepare Joint Rules for the government of the Assembly.

Also, that a committee of three, consisting of Garrigan, Maillet and Walker, to act with a like committee from the House, has been appointed by the Council to inform His Excellency the Governor that the Legislative Assembly is now organized and ready to receive any communication he may wish to make.

A. M. S. CARPENTER, *Chief Clerk.*

Mr. Alger, chairman of Committee on Rules, reported as follows, to wit:

MR. SPEAKER—Your Committee on Rules report, and recommend the adoption, of the Rules of the House of the extraordinary session of eighteen hundred and seventy-three.

On motion of Mr. Alger, the House Committee on Rules were appointed as a joint committee to act with a like committee from the Council, on Rules to govern the two Houses.

The following message was received from the Governor, through his private secretary, George E. Calloway.

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, January 5, 1874. }

To the Legislative Assembly :

Dr. George Calloway has been appointed Private Secretary to the Governor. All communications from the Executive to the Legislative Assembly will be delivered by him in person.

Respectfully,

B. F. POTTS, *Governor.*

The Governor's Message was received and read, and on motion referred to a select committee, consisting of Messrs. Sanders, Coleman and Hartwell.

On motion of Mr. Curtis the House adjourned to 2 o'clock to-morrow.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRD DAY.

JANUARY 7, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Quorum present.

Journal of yesterday read and approved.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk :

COUNCIL CHAMBER, Jan. 7th, 1874.

MR. SPEAKER—I am instructed by the Council to inform your honorable body that notices of the introduction of bills have been given in the Council as follows:

By Beattie: Of a bill concerning the appropriation of moneys collected for license taxes.

Also, To amend section 13, chapter 83 of the codified general laws.

Also, An act relating to brands and marks.

Also, A bill to provide for the more speedy settlement of small estates.

Also, A bill concerning the support of pauper and sick persons.

Also, A bill defining the rights of married women.

By Newcomer: Of a bill to authorize married women to carry on business as sole traders.

By Davis: Of a bill to amend the election law, to wit: Sections 32 and 33 of chap. 23 of the codified laws.

Also, That Messrs. Dance, Davis and Barber have appointed a committee to act with a like committee on the part of the House to wait upon the Secretary and ascertain what arrangements he has made for printing for both Houses.

Also, That Mr. Yager has given notice of a bill to amend the law providing for the forfeiture of mines held by aliens.

CARPENTER, *Chief Clerk.*

Mr. Sanders, chairman of a select committee, reported as follows:

MR. SPEAKER—Your select committee to which was referred the Message of the Governor, have had the same under consideration. The committee recommends that the various subjects therein mentioned be referred as follows: So much thereof as relates

To the amount of land entered in the Territory, to the Committee on Public Lands.

So much thereof as relates to the amount of taxable property in Montana, to county indebtedness, to Territorial indebtedness, to amending the revenue law, to the reduction of fees and salaries, to the consolidation of offices, to the accumulation of poor and other funds, to the increase of the debts of counties, to the amendment of the law concerning taxation, and to the payment of Territorial bonds, to the Committee of Ways and Means.

So much thereof as relates to reports of the Treasurer and Auditor, to two payments of \$181.35 by officers of the Territory, to the Committee on Finance.

So much thereof as relates to the payment of jurors, to marriages, to appeals by counties and other municipal corporations and fiduciary offices, to regulating the attachment laws, to amending section 146 of the Criminal Practice Act and to prescribing the forms of conveyances to be used in the Territory and reducing numbers of challenges allowed in criminal trials to the Judiciary Committee.

So much thereof as relates to enforcing the observance of the first day of the week as a day of rest, to the violation of the tax law by the Commissioners of Meagher county in failing to levy the school tax prescribed by law, to the report of the Superintendent of Public Instruction and the subjects arising therefrom, to the report of the Historical Society and to the report of the Justices of the Supreme Court touching the law library to the Committee on Education and Labor.

So much thereof as relates to the subject of irrigation and the convention recently held in Colorado with a view to induce Federal legislation to encourage the same, so much thereof as relates to the recent military expedition from Bitter Creek, in Wyoming Territory, via the South Pass, Wind River and the Yellowstone River to Fort Ellis, in Montana Territory, by Captain Jones and the party under his command, and the discovery by him of a practicable route for a north and south railroad, on that line, to this Territory, to the Committee on Internal Improvements.

So much thereof as relates to extra compensation from the Territory to various officers, to the subject of immigration and to the penitentiary and its management, to the Committee on Territorial Affairs.

So much thereof as relates to co-operating to procure an appropriation from the General Government to construct a wagon route on the route traveled by Captain Jones, and so much thereof as relates to the coming Centennial Celebration at Philadelphia, to the Committee on Federal Relations.

So much thereof as relates to the road law passed at the extraordinary session of 1873, to the Committee on Roads and Highways.

So much thereof as relates to the Indian tribes within the limits of Montana, to the Committee on Indian Affairs.

So much thereof as relates to the prevention of the sale of liquor on election days, to the Committee on Elections.

And the other subjects therein contained to a Committee of the Whole House.

In making the apportionment of the foregoing subjects relating to the pecuniary condition of the Territory and the counties thereof the committee has been embarrassed by the fact that the Committees on Finance and Ways and Means each seem to be the appropriate committee to consider such subjects, and suggesting that they are duplicate committees charged with the same identical duties, one of which might be dispensed or that both should be consolidated, the committee respectfully submits this, its report.

W. F. SANDERS, J. W. HARTWELL, G. L. COLEMAN,	}	<i>Committee.</i>
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Report adopted.

The following notices were given, to wit :

By Mr. Ezekiel : An act authorizing the disposal of surplus money in the poor and other funds, in the treasuries of the several counties.

By Mr. Harrington: For "An act concerning trade and stock marks and brands."

On motion of Mr. Ezekiel, the following resolution was adopted:

Resolved, That the Committee on Agriculture and Manufactures be instructed to prepare and introduce, on the 20th day of the session, a bill for "An Act relating to estrays," and to provide for the general rounding up of stock of all kinds.

EZEKIEL.

On motion, Messrs. Sanders and Kerley were appointed a select committee to wait upon the Secretary and ascertain what papers, if any, he would furnish the members of this House.

Messrs. Sanders and Kerley, select committee, reported as follows, to wit:

MR. SPEAKER — Your select committee, appointed to confer with the Secretary of the Territory, and ascertain if he would furnish to the several members of the House newspapers, as was done by the Secretaries in former times, have performed that duty and beg leave to report:

That the Secretary informed the committee that he had no moneys in his possession applicable to the payment of the papers desired, and that in a correspondence with the First Comptroller of the Treasury of the United States, in which he had made application for authority to supply the same, he failed to obtain such authority, but was forbidden expressly to incur any expense in this regard, and that he could not comply with the desire of the House with reference to this matter. As to the former precedent, by which newspapers, knives and flags had been supplied to the two Houses in necessary quantities, the Secretary was pleased to say that, the time the same were furnished, the Secretaries were acting as Governors of the Territory, and were by virtue of their office, acting as Su-

perintendents of Indian Affairs, in which last named capacity, he believed they were enabled to make such returns covering this expense, as were allowed them at the United States Treasury, or Interior Department; and, as the Superintendency has been abolished by Congressional legislation, your committee is of the opinion, and reports that the Secretary will not be able to furnish any newspapers whatever to the members of this House.

All of which is respectfully submitted.

W. F. SANDERS, }
J. C. KERLEY, } *Committee.*

The report was adopted.

Mr. Kerley moved that the following resolution be adopted, to wit:

Resolved, That the Sergeant-at-Arms of this House be required to furnish four copies of some daily paper to each member during the present session. Said papers to be designated by the members. KERLEY.

The ayes and nays were called, and resulted as follows, to wit:

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dean, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mead, McCauley, O'Keefe, Stafford and Sutton—18.

Nays—Arnaux, Carmichael, Dusold, Heldt, Mallory, Sanders, Tate and Mr. Speaker—8.

And the resolution was adopted.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., January 7, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of bills have been given in the Council:

By Davis, Of a bill to amend sec. 38, chap. 21, of codified laws, so as to prohibit any allowance from county treasuries as salary to Probate Judges.

By Maillet, Of a joint memorial to Congress, asking an extension of time for the payment for public lands in Bitter Root Valley.

By Garrigan, Of a bill for a road law.

Also, Of a bill for the better protection and encouragement of stock men.

Also, Of a bill to change the boundaries of Meagher county.

By Yager, Of a bill to amend the act providing for the collection of statistics.

By Beattie, Of a bill to provide for the support of the Helena Fire Department.

Also, Of a bill for an act concerning licenses.

A. M. S. CARPENTER, *Chief Clerk.*

On motion of Mr. Mallory, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

FOURTH DAY.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Charles, P. Blakely, Watchman, handed in his resignation, which was read, and on motion of Mr. Stafford, accepted.

On motion of Mr. Carmichael, the House then proceeded to the election of Watchman.

Mr. Kerley nominated Mr. McMahon. Mr. Ezekiel nominated Mr. M. Maloney, and Mr. Mead nominated Mr. Carr.

The roll being called, Mr. Maloney received fifteen votes, Mr. McMahon received seven votes, and Mr. Carr received four votes.

Mr. Maloney having received a majority of all the votes cast, was declared elected Watchman of this House.

Mr. Maloney then came forward, was sworn, and entered upon the discharge of his duties.

The following message was received from the Governor, through his Private Secretary, Mr. George Callaway :

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT, }
VIRGINIA CITY, MONTANA, Jan. 8, 1874. }

To the Legislative Assembly :

At the request of His Excellency, the Governor of the State of New Jersey, I have the honor to submit a copy of An Act to make a contribution toward the completion of the Washington Monument.

Only one copy being furnished this Department, the same is sent to the Council.

Respectfully,

B. F. POTTS, *Governor.*

The Treasurer's report was received and read, and referred to the Committee on Finance.

Mr. Alger, chairman of the Committee on Rules, reported as follows :

MR. SPEAKER—The Joint Committee on Rules for the government of the Council and the House of Representatives, re-

port and recommend that the Joint Rules of the seventh Legislative Assembly be adopted.

JOS. M. ALGER, *Chairman Com.*

Report adopted.

Mr. Kerley, chairman of Select Committee, reported as follows, to wit:

MR. SPEAKER—Your select committee to wait upon the Secretary and ascertain what provision he had made for printing for the session, beg leave to report that they, in conjunction with a like committee from the Council, waited upon the Secretary, and were informed that he had about \$500 in his possession for printing purposes, and that the strictest economy would be necessary on the part of the Legislative Assembly in order to have the amount cover the necessary expense of printing; and further suggested that the Printing Committee of the House and Council receive sealed bills for such printing as they may have done; and further stated that all bills ordered printed by the House must be presented to him, and if, in his opinion they ought to be printed, he would so order. He also stated to your committee that should more printing be done than he had money on hand to liquidate, that the Territory would have to make up the deficiency.

S. MALLORY,

J. C. KERLEY.

W. A. CHESSMAN.

On motion of Mr. Stafford, the report was received and adopted.

The following notices were given by Mr. Sanders:

A memorial entitled House Joint Memorial No. 1, in relation to the Yellowstone National Park.

Also, A memorial entitled House Joint Memorial No. 2, with reference to the Penitentiary in Montana.

Also, A bill for an act to attach to the county of Madison

that portion of country which, by an act of Congress approved February 17th, 1873, and entitled "An Act to re-adjust the western boundary of Dakota Territory," was attached to the Territory of Montana.

Also, A bill for an act entitled "An Act to amend an act entitled An Act to fix the time of the future meeting of the Legislative Assembly," approved A. D. 1873.

By Mr. O'Keefe — An act entitled "An Act to amend an act of the codified statutes authorizing the Commissioners of Missoula county to levy a special tax to purchase toll roads and bridges."

On motion of Mr. Sanders, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

FIFTH DAY.

JANUARY 9th, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

The following communication was received from the Council, through their Secretary A. M. S. Carpenter:—

COUNCIL CHAMBER, M. T., }
JANUARY 9, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that D. P. Newcomer has given notice of

a bill to amend Sec. 34 of Chap. 17 of the codified general laws. Garrigan, of a bill to require butchers to give bonds, and to keep certain records. Maillet, of a bill to amend license law as regards butchers.

That the following bills have been introduced in the Council:—

By Beattie: C. B. No. 2, defining the rights of married women; C. B. No. 4, relating to marks and brands; C. B. No. 5, concerning the appropriation of moneys received from license taxes; C. B. No. 7, to amend sec. 13, chap. 83 of the codified general laws; also, C. B. No. 9, to provide for the more speedy settlement of small estates.

By Yager: C. B. No. 3, to amend the law providing for the forfeiture of placer mines held by aliens.

That C. B. No. 6, to provide for the support of the Helena Fire Department, and C. B. No. 8, relating to legal notices, have passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

Hon. W. H. Rodgers, Auditor of the Territory, was announced at the Bar of the House, and presented his report, which was read and referred to Finance Committee.

The following communication was received from the Governor, through his private secretary, Geo. Callaway:—

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Jan. 9, 1874. }

To the Legislative Assembly:—

I have the honor to transmit to the Legislative Assembly, the Sixth Annual Report of the American Society for the prevention of cruelty to Animals, and the by-laws of said society.

Also, a copy of the laws of the State of New York, enacted for the prevention of cruelty to animals.

Respectfully,

B. F. POTTS, *Governor*.

The following notices of bills were given :—

By Ezekiel : For an act to provide for the election of county assessors.

By Coleman : an act to amend secs. 34, 35, and 36 of the civil practice act.

Of a bill for an act to amend secs. 120 and 125 of the civil practice act.

Of a bill for an act to provide for the prosecution of criminals.

By McCauley : Of a bill for an act to amend section 629, chap. 2 of the codified laws of Montana.

By Sanders : Of a bill for an act to relieve such persons as have lost property by fire or other elements, from unjust assessments thereon, and to remit certain taxes to such persons.

By Stafford : A bill for an act changing the boundary of Madison county.

Mr. Carmichael offered the following resolution, which, on motion of Mr. Stafford, was adopted :

MR. SPEAKER : *Resolved*, That the several standing committees to whom was referred the several parts of the Governor's Message, by the select committee, be requested to meet at as early a day as possible, and report.

A. CARMICHAEL,

Mr. Sanders offered the following resolution :

Resolved, That this House now proceed to the election of a Chaplain thereof, whose services shall be rendered for such compensation as shall be paid by the United States.

SANDERS.

Which was adopted by the following vote :

Ayes—Aiken, Alger, Arnoux, Chessman, Coleman, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton, Tate and Mr. Speaker—21.

Noes—Brown, Carmichael, Curtis, Kerley and Stafford—5.

Nominations being in order, the following persons were nominated :

Curtis nominated J. H. Shober, of Lewis and Clark. Mr. Brown nominated Rev. Mr. Prout, of Virginia. Ezekiel nominated Father Kelleher, of Virginia. Aiken nominated Rev. Armstrong, of Virginia.

The Speaker appointed Alger and Stafford tellers.

The House then proceeded to ballot for Chaplain.

First ballot—no choice.

Second ballot—no choice.

Third ballot—no choice.

Fourth ballot—Prout received 17 votes ; Kelleher received 3 votes ; Armstrong received 4 votes ; scattering 2 votes.

Mr. Prout having received a majority of all the votes cast, was declared duly elected Chaplain of this House.

Mead offered the following resolution, which was adopted :

Resolved, That the clerk of this House be instructed to inform the Chaplain elect of his election, and of the conditions

thereof, and that by virtue thereof this House does not consider that any claim can arise against the Territory.

MEAD.

H. B. No. 1, introduced by Sanders, for an act to attach to the county of Madison that portion of country which, by an act of Congress, approved Feb. 17, 1873, entitled "An act to re-adjust the western boundary of Dakota Territory," read first and second times, and referred to select committee composed of members from Madison county.

H. B. No. 2, introduced by Harrington, for an act in relation to trade marks and brands, read first and second times, and amended by extending time to present possessors of brands and marks, and referred to committee on Territorial Affairs.

H. B. No. 3, introduced by Ezekiel, for an act authorizing the disposal of surplus money in the poor and other funds in the treasuries of the several counties, read first and second times, and referred to committee on Ways and Means.

C. B. No. 6, introduced by Beattie, for an act to provide for the support and maintenance of the Helena fire department, read first and second times, and referred to a select committee composed of Lewis and Clark delegates.

C. B. No. 8, introduced by Judiciary Committee, for an act to regulate the rights of parties in the publication of legal notices, read first and second times, and referred to Judiciary Committee.

Hartwell, chairman of select committee, reported back C. B. No. 6, recommending its passage.

On motion of Sanders the rules were suspended, bill read third time and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead

McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—26.

Noes—None.

Title agreed to.

On motion the House adjourned to 2 o'clock P. M. to-morrow.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

SIXTH DAY.

JANUARY 10, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

The following communication was received from Rev. H. H. Prout:—

A. H. Barrett, Esq., Clerk of the House of Representatives:—

SIR—I have the honor to reply to your note informing me of my election as Chaplain of the House of Representatives, that I accept the office, and will be glad to serve the House as Chaplain without pecuniary compensation.

Respectfully yours,

H. H. PROUT.

VIRGINIA CITY, Jan. 10, 1874.

Report received.

Mr. Alger, Chairman of Judiciary Committee, reported as follows:—

MR. SPEAKER—Your Committee on Judiciary, to whom was referred C. B. No. 8, beg leave to report the same back with the recommendation that it pass.

JAMES M. ALGER, *Chairman*.

Report adopted.

Mr. Sutton, Chairman of the Committee on Finance, reported as follows:

MR. SPEAKER—Your Committee on Finance, to whom was referred the reports of Auditor and Treasurer, beg leave to report the same back to the House, and recommend that a select joint committee of three be appointed by the House, to confer with a like committee appointed by the Council, to take the matter under consideration; also, that said select joint committee be required to make a thorough examination of the books of said Auditor and Treasurer, and report thereon at their earliest convenience.

Report adopted, and Messrs. Coleman, Curtis and Stafford appointed said committee.

The following notices were given:

By Mead: A bill to amend Chapter 1, of the general and miscellaneous laws of Montana Territory, approved Jan. 12th, 1872, entitled An Act in relation to administrators and executors.

By Sanders: A bill for an act to provide for the publication of the decisions of the Supreme Court of the Territory of Montana.

Also, A bill for an act to repeal an act entitled "An act to provide for the forfeiture to the Territory of placer mines held by aliens," approved Jan. 12th, 1872.

On motion of Curtis a committee of three was appointed to ascertain the mileage of the members and report at its earliest convenience. Messrs. Curtis, Carmichael and Kennedy were appointed said committee.

On motion of Coleman, C. B. No. 8 was recommitted to the Judiciary Committee.

On motion of Coleman, the House adjourned to 10 o'clock A. M., on Monday.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

EIGHTH DAY.

MONDAY, Jan. 12th, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Messrs Arnoux, Chessman, Coleman and Sanders—4.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Communication from the Council, through their secretary, A. M. S. Carpenter, as follows:

COUNCIL CHAMBER, M. T., }
JANUARY 10, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that notices of the introduction of bills have been given in the Council as follows :

By Yager : Of a bill concerning county finances. Of a bill to authorize the Territorial Treasurer to issue bonds.

By Barber : Of a bill to amend an act entitled an act providing for the collection of revenue. Of a bill to amend an act entitled an act concerning the appropriation of moneys collected for license taxes.

By Dance : Of a bill relating to roads and highways.

By Newcomer : Of a bill to amend certain sections of the School Law.

That the following bills have been introduced in the Council :

By Garrigan : C. B. No. 9, a bill for an act to require butchers to give bonds and keep a record of all animals purchased and slaughtered by them.

Also, C. C. R. No. 1, making an appropriation to the Gazette Publishing Co., and the Helena Herald, for papers furnished the extra session of the Assembly of 1873.

Respectfully,

CARPENTER, *Chief Clerk.*

Mr. Alger, from committee on Judiciary, reported back C. B. No. 8, with a substitute, recommending its adoption.

Report adopted—bill ordered engrossed.

Harrington, from the committee on Territorial Affairs, to whom was referred that portion of the Governor's Message relating to the penitentiary, reported, recommending the ap-

pointment, by the Speaker, of a select committee, to whom shall be referred all matters relating to the penitentiary.

Report adopted, and Messrs. Kerley, Hartwell, Kennedy, Stafford and Arnoux were appointed said committee.

On motion of Kerley, the said committee was instructed to report a penitentiary bill at their earliest convenience.

On motion of Mr. Alger, House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Messrs. Alger, Hartwell, Kerley and Sanders.

Mr. Curtis, from the select committee on mileage, reported as follows:

MR. SPEAKER.—Your committee on mileage beg leave to report that they have performed the duty assigned them; and herewith transmit the same.

CURTIS,
CARMICHAEL,
KENNEDY.

Aiken, 450 miles; Alger, 560; Arnoux, 550; Brown, 250; Carmichael, 80; Chessman, 250; Coleman, 180; Curtis, 350; Dean, 300; Dusold, 429; Emerson, 210; Ezekiel, 0; Hartwell, 250; Harrington, 360; Heldt, 420; Kennedy, 600; Kerley, 360; Mallory, 46; Mead, 150; McCauley, 330; O'Keefe, 580; Sanders, 250; Stafford, 62; Sutton, 400; Tate, 90; Rogers, 360.

Notices of bills were given as follows :

By Coleman : Of a bill for an act to amend section 186 of an act entitled An act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana.

By Mr. Mallory : Of a bill for an act to regulate the use of threshing machines.

By Mr. Mead : Of a bill for an act to amend chapter 2, title 16, of the Civil Practice Act, entitled Courts of Justice, in this Territory, in relation to the issue and return, and service of summons in the Probate Courts of Montana Territory.

The following communication was received from the Council, through the Secretary, A. M. S. Carpenter :

COUNCIL CHAMBER, VIRGINIA CITY, }
JANUARY 12, 1874. }

MR. SPEAKER.—I am instructed by the Council to inform your honorable body that Newcomer has introduced C. B. No. 10. A bill for an act to amend section 34, of chapter 17, of an act re-enacting, revising and codifying the general and permanent laws of Montana Territory.

Davis has introduced C. B. No. 11, a bill to amend sec. 38 of chap. 21 of general and miscellaneous laws, approved Jan. 12, 1872.

Respectfully,

A. M. S. CARPENTER, *Chief Clerk.*

H. B. No. 4, introduced by Ezekiel, a bill for an act to provide for the election of county assessors. Read first and second times and referred to committee on Ways and Means.

H. B. N. 5, introduced by Sanders, for an act to repeal an act entitled An act to provide for the forfeiture to the Territory of placer claims held by aliens, approved Jan. 12, 1872.

Read first and second times, rules suspended, considered, engrossed, read third time, and passed by the following vote :

Ayes—Messrs. Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—24.

Noes—Harrington—1.

Absent—Kerley—1.

Title agreed to.

H. B. No. 6, introduced by McCauley, for an act to amend section 629, of chapter 2, of the civil practice act, approved Jan. 12th, 1872. Read first and second times and referred to Judiciary Committee.

H. B. No. 7, introduced by Coleman, for an act to amend sections 34, 35, 36 and 45 of civil practice act. Read first and second times and referred to Judiciary Committee.

On motion of Mr. Harrington, House adjourned to 10 o'clock A. M. to-morrow.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

NINTH DAY.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Journal of preceding day read and approved.

Mr. Sanders granted leave of absence.

Mr. Kerley, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER—Your Committee on Printing have ascertained that they can get the printing of bills done at the rate of one dollar and fifty cents per thousand ems in Territorial warrants, in addition to the amount allowed by the Government of the United States.

J. C. KERLEY, *Chairman.*

Mr. Emerson, from the Committee on Ways and Means, reported back House Bill No. 3, with substitute, recommending its adoption. Report adopted—bill ordered printed.

Mr. Harrington, from the Committee on Territorial Affairs, reported back House Bill No. 2 with amendments recommending the bill as amended do pass.

Report adopted and bill ordered printed.

Mr. Curtis gave notice of a bill for An Act to amend an act apportioning the Council districts of the Territory of Montana.

On motion of Mr. Curtis the House took a recess until 2 o'clock P. M.

2 o'clock P. M.— House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Absent—Mr. Coleman.

Mr. Kerley, chairman of the Committee on Printing, reported H. B. No. No. 3 back to the House and recommended that it be not printed.

Adopted.

H. B. No. 3. An act authorizing the disposal of surplus money in the poor and other funds in the treasuries of the several counties, was considered engrossed, read the third time, and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Curtis, Dean, Emerson, Hartwell, Heldt, Kennedy, Kerley, Mallory, Sutton and Mr. Speaker—15.

Nays—Carmichael, Coleman, Dusold, Ezekiel, Harrington, Meade, McCauley, O'Keefe, Sanders, Stafford and Tate — 11.

Title agreed to.

The following communications were received from the Governor, through his Secretary, George Callaway :

TERRITORY OF MONTANA, EX. DEP., }
VIRGINIA CITY, M., T., January 13th, 1874. }

To the Legislative Assembly :

The Memorial adopted by the Denver convention on the subject of irrigation, is hereby submitted for the information of the Legislative Assembly.

Respectfully,

B. F. POTTS, *Governor.*

TERRITORY OF MONTANA, EX. DEP., }
 VIRGINIA CITY, M. T., Jan. 13th, 1874. }

To the Legislative Assembly :

I have the honor to submit, for your information, a communication from the Hon. Daniel A. Morrill, chairman of the Executive Committee of the United States Centennial Commission.

Also one from the Hon. A. T. Goshorn, Director of the General Office of the U. S. Centennial Commission, together with information for the exhibitor, and proclamation of the President of the United States, announcing the time and place of holding the International Exhibition of Arts, Manufactures and Products of the Soil and Mines in the year 1876.

I commend this subject to your most favorable consideration, and trust you will not hesitate to provide, by appropriate legislation, for giving the products of Montana a prominent place at said exhibition.

I suggest the appointment of a board composed of some of the most influential citizens of the Territory to aid in the collection of products of the Territory, to be forwarded as early as the autumn of 1875 to Philadelphia.

Respectfully,

B. F. POTTS, *Governor.*

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk :

COUNCIL CHAMBER, VIRGINIA CITY, }
 M. T., January 13th, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that Mr. Beattie has given notice of a bill for An Act defining and extending the jurisdiction of Justices of the Peace.

Stuart has given notice of a bill for An Act to amend an act entitled "An Act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana."

Garrigan has given notice of a bill to regulate tolls on roads, bridges and ferries.

That C. B. No. 10, to amend sec. 34 of chap. 17 of An Act revising, re-enacting and codifying the general and permanent laws of the Territory, approved Jan. 12, 1872, has passed the Council.

That the Council has appointed Maillet, Davis and Barber as a Joint Committee on the part of the Council to act with a like committee of the House, to examine the Auditor's and Treasurer's books.

That the Council has elected the Rev. Father Kelleher Chaplain of the Council.

C. B. N. 10: An Act to amend sec. 34, chap. 17, of an act revising, re-enacting and codifying the general and permanent laws of the Territory, approved Jan. 12, 1872, was read first and second times and referred to the Judiciary Committee.

Mr. Coleman introduced a resolution asking that a clerk be appointed to assist the Select Committee to examine the Auditor's and Treasurer's books, and the resolution was lost.

Mr. Stafford, with leave of the House, introduced H. B. No. 8: An Act to amend section 4 of chapter 20 of an act revising, re-enacting and codifying the general and permanent laws of the Territory, approved Jan. 12, 1872. Read first and second times.

Mr. Ezekiel, moved the bill be referred to the Committee on Towns and Counties.

Mr. Coleman moved to lay that motion on the table. Motion lost.

The motion to refer to Committee on Towns and Counties lost. The bill was then referred to a select committee of five, consisting of Ezekiel, Stafford, Coleman, Tate and O'Keefe.

On motion of Mr. Alger, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TENTH DAY.

House met pursuant to adjournment, the Speaker in the chair.

Roll called — quorum present.

Brown and Sanders absent.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mallory presented a petition from the citizens of Madison county.

Notices of the introduction of bills were given :

By Arnoux : A bill providing for the changing of the boundaries of Choteau county.

By Alger : A bill regulating marriages in Montana Territory.

Heldt introduced the following resolution, which was adopted :

Resolved, That the Printing Committee shall order no bills to be printed without first obtaining the sanction of this House.

Heldt, chairman of Committee on Engrossment, reported House substitute for C. B. No. 8 correctly engrossed.

House substitute for C. B. No. 8 — An Act to regulate the rights of parties in the publication of legal notices. Read the third time and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Meade, McCauley, O'Keefe, Sutton, Tate and Mr. Speaker—23.

Noes — Heldt and Stafford—2.

Absent — Sanders—1.

Title agreed to.

Alger, chairman from the Committee on Judiciary, reported as follows :

MR. SPEAKER—Your committee to whom was referred the seventh annual report of the Society for the Prevention of Cruelty to Animals, beg leave to report the same back with the recommendation that they be considered in Committee of the Whole.

Report adopted.

On motion of Alger, the House went into Committee of the Whole on " Three little red books."

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Mr. Carpenter, their Clerk :

COUNCIL CHAMBER, VIRGINIA CITY, }
January 14, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that Mr. Newcomer has introduced C. B. No. 12, An Act to authorize married women in their own name to transact business as sole traders.

Maillett has introduced C. B. No. 13, An Act to amend an act concerning licences.

Respectfully,
CARPENTER, *Chief Clerk.*

On motion of Mr. Carmichael, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mead, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—Your Committee of the Whole, to whom was referred the consideration of the subject matter “ Three little red books,” containing the by-laws and recommendations of the American Society for the Prevention of Cruelty to Animals, respectfully report the entire subject matter back to the House without recommendation.

Report adopted.

Mead, chairman of the Committee on Elections, reported as follows :

MR. SPEAKER—Your Committee on Elections, to whom was referred so much of the message of the Governor as relates to

strong drink at elections, herein had the same under advisement, and after fully considering the subject have come to the conclusion, with all due respect to the opinion and recommendation of His Excellency, the Governor, that no legislation should be had thereon at this session.

All of which is respectfully submitted.

Report adopted.

Kerley, chairman of the Committee on Printing, reported H. B. No. 2 correctly printed.

Dean, chairman of the Committee on Roads and Highways, reported as follows :

MR. SPEAKER—Your committee to which was referred that portion of the Governor's message relating to roads and highways, beg leave to report the same back to the House without instructions.

Notices of the introduction of bills were given :

By Harrington : An Act concerning county officers.

By Arnoux : A bill for An Act to amend an act entitled An Act to locate the seat of government of Montana Territory, approved February 7th, 1865, and the amendatory acts.

The Ways and Means Committee introduced H. B. No. 9 : A bill for An Act to amend an act entitled An Act concerning the appropriation of moneys collected for license taxes, approved January 9, 1872. Read first and second times, amended by striking out " its passage," in sec. 3, and inserting " 1st day of March, 1874."

The bill was then ordered engrossed.

Mr. Coleman introduced H. B. No. 10 : A bill for An Act to amend section 186 of an act entitled An Act to regulate proceedings in civil cases in the courts of justice in the Ter-

ritory of Montana. Read first and second times and referred to the Judiciary Committee.

Kerley offered the following resolution, which was adopted :

Resolved, That the Speaker appoint a committee of three to wait upon the Secretary of the Territory and ascertain in what manner and at what time he will be prepared to settle with the members and attaches of this House for services rendered.

Messrs. Dusold, Arnoux and Aiken, were appointed said committee.

Mr. Aiken introduced H. J. R. No. 1, compensating L. M. Todd for transporting ordnance stores. Read first and second times, and referred to Committee on Military Affairs.

On motion of Mead, the vote by which H. B. No. 8 was referred to Select Committee was reconsidered.

Mr. Coleman moved that H. B. No. 8 be laid on the table. Motion lost.

H. B. No. 8 was then referred to the Committee on Towns and Counties.

Mr. Ezekiel was excused from serving on the Committee of Towns and Counties while considering H. B. No. 8, and Mr. Kennedy was appointed in his stead.

The House went into Committee of the Whole to consider House Bill No. 2.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk :

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., January 14, 1874. }

MR. SPEAKER—I am instructed by the Council to inform

your honorable body that notices of bills have been given in the Council :

By Arick : Of a bill for An Act to abolish private seals.

By Newcomer : Of a bill for An Act to provide for filling vacancies in office.

The following bills have been introduced in the Council :

By Stuart : C. B. No. 15, to amend An Act to regulate proceedings in civil cases in courts of justice in the Territory of Montana.

By Davis : C. B. No. 16, for An Act to provide for certifying and canvassing the votes, and certifying the elections of officers elected by more than one county.

By Yager : C. B. No. 17, for An Act to provide for the collection of statistics.

By Barber : C. B. 18, for An Act to amend an act entitled An Act providing for the collection of revenue.

By Beattie : C. B. No. 19, for An Act extending and defining the criminal jurisdiction of Justices of the Peace.

That C. C. R. No. 2 has passed the Council.

That H. B. No. 5 has passed the Council.

I am further instructed to request your honorable body to return C. B. No. 8 to the Council for further consideration.

Respectfully,

CARPENTER, *Chief Clerk.*

Notices for the introduction of bills were given :

By Alger : A bill to amend section 142 of chapter 4 of An Act entitled An Act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana, approved January 12, 1872.

By Ezekiel: A bill for An Act to amend sec. 51 of chap. 23 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

Council Concurrent resolution No. 2 was read first and second times and amended.

Sanders moved to refer to the Judiciary Committee. Lost.

The resolution was then referred to the Finance Committee.

Harrington, Chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House have had under consideration H. B. No. 2, and have amended the same by inserting after the word "times," in line 2, sec. 4, the words, "with intent to defraud," and after the word "deception," in line 4, sec. 5, the words "and fraud;" also by inserting in line 2, sec. 6, after the word "deception," the words "and fraud;" also by striking out letter "3" and word "and" after the word "section," in line 5, sec. 6; also by striking out sec. 8; also by making section 9 section 8; also by making section 11 the amendment known as section 9, and that in the 11th section the word "to" be changed to "shall;" and that the word "full" be omitted, and the committee did agree to report the bill as aforesaid amended back to the House, with the recommendation that it do pass.

C. L. HARRINGTON, *Chairman*.

Report received and the amendments adopted, and the bill ordered engrossed as amended.

On motion, the House adjourned.

J. H. ROGERS,

Speaker of the House of Representatives.

A. H. BARRETT, *Chief Clerk*.

ELEVENTH DAY.

JANUARY 15, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Chessman, chairman of the Committee on Military Affairs, reported as follows:

MR. SPEAKER—Your Committee on Military Affairs, to whom was referred House Joint Resolution No. 1, beg leave to report that they had the same under consideration and would recommend that the same do pass.

Mr. Alger, chairman of the Joint Committee on Enrollment, reported H. B. No. 5 and C. B. No. 6 correctly enrolled.

Mr. Heldt, chairman of the Committee on Engrossment, reported H. B. No. 9 correctly engrossed.

The Speaker announced that he had signed H. B. No. 5.

Alger introduced H. B. No. 11, a Bill for an act to amend an act entitled An Act to regulate proceedings in civil cases in the Courts of Justice of the Territory of Montana, approved January 12, 1872.

Read first and second times and referred to Committee on Judiciary.

Also, H. B. No. 12, a Bill for an act in relation to marriage. Read first time and rejected.

H. B. No. 9, a Bill for an act to amend an act entitled An Act concerning the appropriation of moneys collected for license taxes, approved January 9, 1872.

Read third time and passed by the following vote :

Ayes—Alger, Arnoux, Brown, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—Aiken, Coleman and Kennedy—3.

Title agreed to.

Alger reported as follows :

MR. SPEAKER—Joint Committee on Enrollment beg to report H. B. No. 5 and C. B. No. 6, presented to the Governor at 10:45 this a. m. for his approval.

JOS. M. ALGER, *Chairman Com.*

On motion of Chessman, H. J. R. No. 1 was considered, engrossed, and passed to a third reading.

Read the third time and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton, Tate and Mr. Speaker—26.

Nays—None.

Title agreed to.

Notices of the introduction of bills were given as follows :

By Emerson, of a Bill for an act to amend an act entitled An Act relating to counties and county officers, approved January 12, 1872.

By Mr. Tate, a Bill to regulate tolls in the flouring mills of this Territory.

By Kerley, a Bill for an act to amend an act entitled An Act in relation to county commissioners, approved January 9, 1872.

Mr. Dusold, chairman of the Select Committee, reported as follows :

HOUSE OF REPRESENTATIVES,
VIRGINIA CITY, Jan. 15, 1874. }

MR. SPEAKER—Your Special Committee, to whom was referred the per diem and mileage for the members of the House beg leave to make the following report :

Mr. Callaway informed your committee as to funds and payment for the members of the Legislative Assembly. He informed your committee there is a general rule to pay no money before the close of the session ; but if he had the money (which had not arrived) and if some of the members were hard-up he would relieve them. He further stated, that the amount of \$8,000, which is allowed to him to pay the members of both Houses, will be insufficient for a forty days session, and would only reach to four dollars per day and mileage. He further says, if the Legislative Assembly would only be in session thirty days, that he could or would pay the full amount. Your committee further requested to know as to how, where and when the two dollars would be paid. He informed your committee there was no provisions made by Congress, and that he would issue a due bill for the two dollars. He further informed us that he had written to the office of the First Comptroller for advice on the subject.

Respectfully submitted,

A. DUSOLD, *Chairman.*

Report received and committee discharged.

On motion of Mr. Coleman, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Arnoux introduced H. B. No. 13, a bill for An Act to amend section 9 of chapter 20 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872. Read first and second times and referred to the Committee on Towns and Counties.

Ezekiel introduced H. B. No. 14, An Act to amend section 51, chapter 23, of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872. Read first and second times, and on motion of Ezekiel, the rules were suspended, the bill considered engrossed, read a third time and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—25.

Nays—None.

Absent—Sanders.

The title was agreed to.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 2, an act in relation to trade marks and brands, correctly engrossed. Read the third time and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, Mead, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—24.

Nays—Sanders—1.

Absent—Curtis—1.

The title was agreed to.

The following message was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
January 15, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of bills have been given in the Council:

By Beattie: Of a bill providing a punishment for breaking jail.

By Maillet: Of a bill regarding penalties for persons committing offences against the Peace and who have no means of paying fines.

By Cooper: Of a bill allowing commissioners of Deer Lodge county to levy a special tax for buying toll roads and bridges.

By Newcomer: Of a bill in relation to Dower.

Arick has introduced C. B. No. 20, to abolish private seals.

C. C. R. No. 1 and C. C. R. No. 3 have passed the council.

Respectfully,
CARPENTER, *Chief Clerk.*

C. C. R. No. 1 was read first and second times, and Sanders offered the following amendment:

Amend by adding to last line: "And to D. W. Tilton & Co. \$35 for papers furnished the first Legislative Assembly, and not yet paid for."

Which amendment was lost by the following vote:

Ayes—12.

Nays—14.

The resolution was then referred to the Finance Committee.

The following communication was received from His Excellency, the Governor, through Mr. Geo. Callaway :

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Jan. 15, 1874. }

To the House of Representatives :

I have the honor to inform the House of Representatives, that I have this day approved H. B. No. 5, entitled An Act to repeal an act to provide for the forfeiture to the Territory of placer mines held by aliens, approved January 12, 1872.

Respectfully,

B. F. POTTS, *Governor.*

C. C. R. No. 3 read first and second times and referred to the Finance Committee.

On motion of Mr. Coleman the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWELFTH DAY.

JANUARY 16th, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Speaker presented a petition from the Western Union Telegraph Co., which was read and referred to the committee on Ways and Means.

A communication was received from a citizens' meeting of Helena. Read and referred to the committee on Territorial Affairs.

Mr. Brown, chairman of the committee on Internal Improvements, reported as follows:

MR. SPEAKER—Your committee on Internal Improvements, to whom was referred the proceedings of the irrigating convention of Denver, Col., have had the same under consideration, and approve of the conclusions of said convention, as embodied in their memorial, and beg leave to recommend that the Legislative assembly of the Territory of Montana, now in session, do memorialize Congress for the same purpose.

J. A. BROWN, *Chairman*.

Notices for the introduction of bills were given:

By Brown: A bill for an act in relation to estrays.

By Sanders: A bill for an act to punish certain offenses therein defined.

Also, A bill for an act to enlarge the suffrage.

Also, A bill for an act to reduce the fees of county officers.

Mr. Arnoux introduced H. B. No. 15, an act to amend an act entitled An Act to locate the seat of government of Montana Territory. Read first and second times.

Ezekiel offered the following amendment:

Strike out the words "Helena, in Lewis and Clark county," wherever the words appear in the bill, and insert, in lieu thereof, "Bozeman, Gallatin county," which was lost by the following vote :

Ayes—Alger, Carmichael, Coleman, Ezekiel, Mallory, Stafford and Tate—7.

Noes — Aiken, Arnoux, Brown, Chessman, Curtis, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mead, McCauley, O'Keefe, Sanders, Sutton, and Mr. Speaker—19.

Ezekiel moved to refer the bill to a Committee of the Whole, on the 24th day of the session.

Sanders moved to amend by referring to the committee on Territorial Affairs. Carried.

Tate introduced H. B. No. 16, a bill for an act in relation to tolls. Read first time.

Hartwell moved that the bill be rejected, which motion was lost by the following vote :

Ayes—Arnoux, Brown, Chessman, Dean, Dusold, Hartwell, Heldt, Kennedy, Kerley, Sanders and Mr. Speaker—11.

Noes—Aiken, Alger, Carmichael, Coleman, Curtis, Ezekiel, Harrington, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton and Tate—14.

Absent—Emerson.

The bill was then read the second time, and referred to the Committee on Agriculture and Manufactures.

Alger, chairman of the Joint Committee on Enrollment, reported C. B. No. 8 correctly enrolled.

On motion of Mr. Coleman, the House took a recess to 2 o'clock P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called — quorum present.

The following report was made by Alger, chairman of the Committee on Judiciary:

Your committee to whom was referred C. B. No. 10, report the same back to the House with the recommendation that it do not pass.

J. M. ALGER, *Chairman.*

Mr. Sutton, chairman of the Financial Committee, reported as follows:

MR. SPEAKER—Your Committee on Finance, to whom was referred C. C. R. No. 3, beg leave to report it back to the House and recommend that it be considered in Committee of the Whole.

SUTTON, *Chairman.*

Also, as follows:

MR. SPEAKER—Your Committee on Finance, to whom was referred C. C. R. No. 1, beg leave to report the same back to the House and recommend that it be considered in Committee of the Whole.

. SUTTON, *Chairman.*

MR. SPEAKER—Your Committee on Finance, to whom was referred Council Concurrent Resolution No. 2, beg leave to report the same back to the House without recommendation.

SUTTON, *Chairman.*

On motion of Ezekiel, C. C. R. No. 3 was made the special order for half past two o'clock, this P. M.

On motion of Alger, C. C. R. No. 1 was made the special order for three o'clock, this P. M.

Sanders introduced H. J. M. No. 1, in relation to the Yellowstone National Park. Read first and second times, rules suspended, memorial considered engrossed, read the third time, and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate, and Mr. Speaker—26.

Noes—None.

Title agreed to.

O'Keefe introduced H. B. No. 17, an act to amend An Act authorizing the county commissioners of Missoula county to levy a special tax for the purpose of building, buying and repairing bridges in said county. Read first and second times, and referred to the Committee on Roads and Highways.

The Speaker announced that he had signed C. B. No. 8.

On motion of Stafford C. C. R. No. 2 was indefinitely postponed.

The hour having arrived at which C. C. R. No. 3 was made the special order, the House went into Committee of the Whole, to consider said resolution.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Carpenter, their Chief Clerk:

COUNCIL CHAMBER, M. T., }
JANUARY 16, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills have been given in the Council :

By Beattie: Of a bill for an act providing for marriage contracts.

By Garrigan: Of a bill providing for the payment by the Territory of a proper proportion of the cost of collection of taxes and revenue by suit.

By Davis: Of a bill concerning official bonds, and the custody of official bonds and oaths.

Also, of a bill relating to rendering judgment in cases of assault and battery.

That H. J. R. No. 1 has passed the Council; that C. B. No. 20, and C. B. No. 16, have passed the Council; that Maillet has introduced C. J. M. No. 1, in relation to lands in the Bitter Root Valley, which has passed the Council.

Respectfully,

A. M. S. CARPENTER, *Chief Clerk.*

The House then went into Committee of the Whole, to consider C. C. R. No. 1, Mr. Alger in the chair.

The House resumed. Mr. Speaker in the chair.

Ezekiel, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—Your Committee of the Whole, to which was referred C. C. R. No. 3, "in relation to experts," having had the same under consideration, respectfully report the same back to the House with the accompanying amendment, and recommend that it do pass as amended.

EZEKIEL, *Chairman.*

Ezekiel moved that the resolution be indefinitely postponed.
Motion lost.

Report adopted.

C. C. R. No. 3 considered engrossed, read the third time, and passed as amended, by the following vote :

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Emerson, Kennedy, Kerley, McCauley, O'Keefe, Stafford, Sutton—16.

Noes—Alger, Dusold, Ezekiel, Hartwell, Heldt, Mallory, Mead, Sanders, Tate and Mr. Speaker—10.

Title agreed to.

Alger, chairman of the Committee of the Whole on C. C. R. No. 1, reported as follows :

MR. SPEAKER—Your Committee of the Whole, to whom was referred C. C. R. No. 1, report the same back with the recommendation that it do not pass.

JAMES M. ALGER, *Chairman*.

C. C. R. No. 1 was taken up, read the third time, and lost by the following vote :

Ayes—Brown, Curtis, Kennedy, O'Keefe, Sutton—5.

Nays—Aiken, Alger, Arnoux, Carmichael, Chessman, Coleman, Dusold, Dean, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Mallory, Mead, McCauley, Sanders, Stafford, Tate and Mr. Speaker—20.

Mr. Kerley was excused from voting.

C. B. No. 10: A bill for An Act to amend sec. 34 of chap. 17 of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12,

1872, was taken up, read the third time, and lost by the following vote:

Ayes—Arnoux and Kerley—2.

Nays—Aiken, Alger, Brown, Carmichael, Coleman, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Mallory, Meade, McCauley, O'Keefe, Sanders, Sutton, Stafford, Tate and Mr. Speaker—24.

On motion of Mr. Mallory, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTEENTH DAY.

JANUARY 17th, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The Committee on Enrollment reported H. J. R. No. 1 correctly enrolled.

Committee on Ways and Means reported as follows:

MR. SPEAKER—The Committee on Ways and Means, to whom was referred the petition of the Western Union Telegraph Company, praying for the abolishment of the license taxes upon telegraph offices within the Territory, beg leave to report the same back to the House with the recommendation that the whole subject matter be indefinitely postponed.

R. K. EMERSON, *Chairman*.

Report received, and the petition and subject matter contained therein was laid on the table.

Notices for the introduction of bills were given as follows :

By Mead : A bill to change the boundary lines between Madison and Beaver Head counties.

By Mr. Coleman : A bill for An Act entitled “ An Act to amend sections 48, 53, 60, 236, 253 and 271 of an act entitled ‘ An Act to regulate proceedings in civil cases of the courts of justice of the Territory of Montana.’ ”

The Speaker announced that he had signed H. J. R. No. 1.

C. J. M. No. 1, relating to the lands of the Bitter Root Valley, read first and second times, rules suspended, read third time and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O’Keefe, Sanders, Sutton, Stafford, Tate and Mr. Speaker—26.

Nays—None.

Title agreed to.

C. B. No. 20 : An Act to abolish private seals. Read first and second times, and referred to the Committee on Judiciary.

C. B. No. 16: An Act for the certifying and canvassing the vote, and for certifying the election of officers elected by more than one county. Read first and second times and referred to the Committee on Elections.

On motion of Alger, the House adjourned to 10 o'clock Monday.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

FIFTEENTH DAY.

MONDAY, Jan. 19th, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Emerson and Hartwell.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Curtis presented a petition from the citizens of Jefferson county asking a change in the boundary lines of said county. Referred to Committee on Towns and Counties.

Sanders presented a petition from the Centennial Commission. Referred to a select committee, consisting of Ezekiel, Sanders and Aiken.

Dean, chairman of the Committee on Roads and Highways, reported H. B. No. 17 back to the House, with the recommendation that it do pass.

Alger, chairman of the Committee on Enrollment, reported that he had handed H. J. R. No. 1 to the Governor for his approval at 10:46 o'clock A. M., on the 17th day of January, 1874.

Curtis introduced H. B. No. 18: A bill for An Act to amend an act entitled An Act defining the Council and Representative Districts of the Territory of Montana, and apportioning the members of the Legislative Assembly thereof, approved Dec. 13, 1867. Read first and second times and referred to Committee on Elections.

The following message was received from the Council, through Mr. Carpenter, their Chief Clerk:

COUNCIL CHAMBER, M. T., }
January 17, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the Governor has returned to the Council C. B. No. 6, to provide for the support of the Helena Fire Department, without his approval—and that the bill has passed the Council, his objections to the contrary notwithstanding.

That the Council has refused to concur in House amendment to C. C. R. No. 3, in relation to experts, and respectfully asks the House to recede therefrom.

Respectfully,

CARPENTER, *Chief Clerk.*

C. B. No. 6: A bill for An Act to provide for the support and maintenance of the Helena Fire Department, was taken up, and on motion of Mr. Ezekiel, the vote by which the bill passed the House was reconsidered; and upon the question "Shall the bill pass, the objections of the Governor to the contrary notwithstanding?" the bill passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—Dean and Heldt—2

Absent—Hartwell—1.

On motion of Mr. Ezekiel, the House refused to recede from their amendment to C. C. R. No. 3.

Coleman introduced H. B. No. 19: An Act entitled An Act to amend sections 48, 53, 84, 138, 236, 253 and 271 of an act entitled An Act to regulate proceedings in civil cases in the courts of Justice of the Territory of Montana. Read first and second times and referred to the Committee on Judiciary.

Mr. Alger, from the Joint Committee on Enrollment, reported H. J. M. No. 1 correctly enrolled.

The Speaker announced that he had signed C. J. M. No. 1.

Mr. Emerson introduced H. B. No. 20, and An Act to amend an act in relation to counties and county officers, approved Jan. 12th, 1872. Read first and second times and referred to Committee on Ways and Means.

The following message was received from the Council, through Carpenter, their Chief Clerk:

COUNCIL CHAMBER,
VIRGINIA CITY, Jan. 19th, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. J. M. No. 1, in relation to the Yellowstone National Park, has passed the Council.

Respectfully,

A. M. S. CARPENTER, *Chief Clerk.*

The Committee on Territorial Affairs were instructed to return H. B. No 15.

Mr. Brown moved that H. B. No. 15 be made the special order for 11:30 o'clock this A. M.

Mr. Stafford moved to amend by making the bill the special order for 2:30 o'clock this P. M. Motion carried.

The following message was received from the Governor, through Dr. George Callaway, his Private Secretary :

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Jan. 17, 1874. }

To the House of Representatives:

I have the honor to inform the House of Representatives that I have this day approved H. J. R. No. 1 to compensate L. M. Todd for transporting ammunition from Helena to the arsenal at Virginia City.

Respectfully,

B. F. POTTS, *Governor.*

On motion, the House took a recess until 2 o'clock this P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Mr. Alger, chairman of the Joint Committee on Enrollment, reported H. J. M. correctly enrolled.

Notices of the introduction of bills were given by

Mr. Coleman: A bill for An Act entitled An Act to make the Probate Judges of the several counties ex-officio County Clerks and Recorders thereof.

Also, A bill entitled An Act to make the Sheriffs of the several counties ex-officio Treasurers thereof.

By O'Keefe: A bill apportioning the Representative districts of the Territory of Montana.

By Sanders: A bill for An Act entitled a bill for an act to curtail certain expenses.

Meade introduced H. B. No. 21: An Act regulating the issue, return and service of summons in the probate courts of Montana Territory. Read first and second times and referred to the Judiciary Committee.

Brown introduced H. J. M. No. 2, in relation to irrigation. Read first and second times, and on motion of Mr. Sanders, rules suspended, the Memorial considered engrossed, read the third time and passed by the following vote:

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Meade, McCauley, O'Keefe, Stafford, Sutton and Mr. Speaker—23.

Nays—Alger, Sanders and Tate—3.

The title was agreed to.

Emerson reported as follows, from the Committee on Ways and Means:

That they have had H. B. No. 20 under consideration, and recommend that it do pass.

Alger, from the Joint Committee on Enrollment, reported H. J. M. No. 1, in relation to the Yellowstone National Park, correctly enrolled.

On motion of Sanders, H. B. No. 20: An Act to amend an act in relation to counties and county officers, approved Jan. 12th, 1872, was taken up, considered engrossed, read the third time, and passed by the following vote:

Ayes—Messrs. Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Tate and Mr. Speaker—25.

Nays—None.

Absent—Sutton.

H. B. No. 15: An Act to re-locate the seat of government of Montana Territory was taken up.

On motion of Mr. Ezekiel, the Committee on Territorial Affairs were instructed to report H. B. 15 instantler, and Harrington, Dusold and Dean, of the Committee on Territorial Affairs, made the following report:

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred House Bill No 15, beg leave to submit the following majority report, recommending that the bill do pass.

C. L. HARRINGTON, *Chairman*.

A. DUSOLD,

ISAAC DEAN.

Ezekiel moved that H. B. No. 15 be made the special order for 10:30 o'clock A. M., on Monday, Jan. 26th, 1874, which was lost by the following vote:

Ayes—Brown, Carmichael, Coleman, Curtis, Emerson, Ezekiel, Mallory, Mead, O'Keefe, Stafford, Tate and Mr. Speaker—12.

Nays—Aiken, Alger, Arnoux, Chessman, Dean, Dusold, Hartwell, Harrington, Heldt, Kennedy, Kerley, McCauley, Sanders and Sutton—14.

On motion of Sanders, the history of H. B. No. 15 was corrected.

Sanders moved that the rules be suspended, H. B. No. 15 be considered engrossed for a third reading, which was lost by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Coleman, Dean Dusold, Emerson, Hartwell, Heldt, Harrington, Kennedy, McCauley, Sanders, Sutton and Mr. Speaker—17.

Nays—Chamichael, Curtis, Ezekiel, Kerley, Mallory, Mead, O'Keefe, Stafford and Tate—9.

And the bill was referred to the Committee on Engrossment.

On motion of Coleman, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

SIXTEENTH DAY.

JANUARY 20, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 15 correctly engrossed.

The following message was received from the Council through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, M. T., }
January 19, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorably body that C. J. R. No. 5 has passed the Council.

That Garrigan has introduced C. B. No. 22, a Bill for an act in relation to Roads and Highways.

That Beattie has introduced C. J. R. No. 4, making certain appropriations.

Respectfully,

CARPENTER, *Chief Clerk.*

C. J. R. No. 5 was taken up, read first time.

Curtis moved to reject the bill, which motion was lost by the following vote:

Ayes—Carmichael, Curtis, Ezekiel, Harrington, Kennedy, McCauley, Sutton and Tate—8.

Nays—Alger, Arnoux, Brown, Chessman, Coleman, Dusold, Dean, Hartwell, Heldt, Kerley, Mallory, Mead, O'Keefe, Sanders, Stafford and Mr. Speaker—16.

Absent—Aiken and Emerson—2.

The resolution was then read the second time.

On motion of Alger, the rules were suspended, the bill put to a third reading by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Coleman, Dean, Dusold, Hartwell, Heldt, Kerley, Mallory, Mead, O'Keefe, Sanders, Stafford and Mr. Speaker—17.

Nays—Carmichael, Curtis, Ezekiel, Harrington, Kennedy, McCauley, Sutton and Tate—8.

C. J. R. No. 5 was then read the third time and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Coleman, Dean, Dusold, Hartwell, Heldt, Kerley, Mallory, Mead, O'Keefe, Sanders, Stafford and Mr. Speaker—17.

Nays—Carmichael, Curtis, Ezekiel, Harrington, Kennedy, McCauley, Sutton and Tate—8.

Absent—Emerson—1.

Coleman introduced H. B. No. 22, An Act entitled an act making the sheriffs of the several counties ex-officio treasurers of their respective counties. Read first time.

Ezekiel moved to reject, which was lost by the following vote:

Ayes—Curtis, Ezekiel, Mead, O'Keefe—4.

Nays—Aiken Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

The bill was then read the second time and referred to the Committee on Ways and Means.

H. B. No. 15, a bill for An Act to amend an act entitled an act to locate the seat of government of Montana Territory was taken up, read the third time and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Chessman, Coleman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, McCauley, O'Keefe, Sanders, Sutton and Mr. Speaker—18.

Nays—Brown, Carmichael, Curtis, Ezekiel, Mallory, Mead, Stafford and Tate—8.

Mr. Arnoux offered the following amendment to the title of the bill: A bill for an act to change the seat of government of the Territory of Montana.

On motion of Sanders the amendment was adopted.

The title of the bill was then adopted as amended.

On motion of McCauley the House took a recess until 2 o'clock P. M.

2 o'clock, P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Kerley introduced H. B. No. 23, An Act to amend an act entitled an act relating to county commissioners, approved January 9, 1872. Read first and second times and referred to the Committee on Ways and Means.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 17 correctly engrossed.

Mead, chairman of the Committee on Elections, reported C. B. No. 16 back to the House with the recommendation that it do pass.

H. B. No. 17 was taken up and on motion of Sanders the following amendment was adopted :

Add to section 2: "Provided, That no contract for the purchase of any grade, road, bridge, or franchise shall be made nor shall any purchase of them, or any of them be made until after an examination of the title of the person proposing to sell the same; the District Attorney of the Second Judicial District shall report to said board of county commissioners that such title of the proposed seller in his opinion is valid."

The bill was then recommitted to the Engrossing Committee.

C. B. No. 16, An Act for the certifying and canvassing the votes, and for certifying the election of officers elected by more than one county. Read third time and lost by the following vote :

Ayes—O'Keefe—1.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Hartwell,

Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—24.

Absent—Ezekiel—1.

On motion of Brown the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

SEVENTEENTH DAY.

JANUARY 21, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Heldt and Sanders.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Emerson, chairman of the Committee on Ways and Means, reported H. B. No. 23 back to the House with the recommendation that it do pass.

Also, H. B. No. 4, with the recommendation that it do not pass.

Coleman introduced H. B. No. 24, an act entitled an act

making the Probate Judges of the several counties ex-officio county clerks and recorders. Read first and second times and ordered printed.

On motion of Sanders, H. B. No. 22 was recalled from the Committee on Ways and Means, and ordered printed.

Kerley introduced the following resolution :

Resolved, That the printing committee of this House be authorized to contract with the proprietor of the *Madisonian* for the printing ordered by the House upon the same terms that the Council have contracted for their printing.

KERLEY.

Sanders offered the following as an amendment thereto :

Resolved, That the Committee on Printing be requested to confer with Mr. G. W. Pfouts, and ascertain if he will do the necessary printing for this House on the same terms as those on which he offered to do the printing for the Council, which was lost by the following vote :

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Dean, Dusold, Hartwell, Heldt, Mallory and Sanders—11.

Noes—Alger, Coleman, Curtis, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—15.

Kerley's resolution was then adopted.

H. B. No. 4 was read for information.

McCauley moved to lay the bill on the table. Motion lost.

On motion of Sanders, the bill was considered engrossed, and made the special order for 2½ o'clock p. m. on Monday, to be considered in Committee of the Whole.

H. B. No. 23 was read for information.

On motion of Sanders, the following amendment was adopted :

Add to section 3: Such statement shall contain a recapitulation of the moneys paid and warrants issued, and it shall also contain a statement of the county expenses, in which there shall be collected and grouped together the expenses for the various purposes for which moneys have been paid or liabilities incurred.

SANDERS.

On motion of Sutton the following amendment was adopted :

MR. SPEAKER—I move to amend sec. 4, where it reads, “in some newspaper in Territory,” by making it read, “in some newspaper published in the Judicial District.”

On motion of Sanders the bill was ordered engrossed, as amended, for a third reading.

H. B. No. 14: On motion of Stafford, the amendment to said bill by the Council was concurred in, and the bill ordered enrolled.

Aiken gave notice of the introduction of a bill for an act relating to fences.

By Carmichael: An act to amend An Act concerning licenses.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk :

COUNCIL CHAMBER, M. T., }
January 21, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 14 has passed the Council with amendments.

That Newcomer has introduced C. B. No. 23, a bill for an act to amend sec. 94, chap. 21, of an act entitled, An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

That Garrigan has introduced C. B. No. 24, in relation to intoxicating liquors on Sundays and days of election.

Respectfully,

CARPENTER, *Chief Clerk.*

On motion of Coleman, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

The Speaker announced that he had signed C. J. R. No. 5.

Kerley, chairman of the select committee to whom was referred the matter of drafting a bill in regard to leasing the penitentiary, introduced H. B. No. 25, an act to amend an act entitled, An Act to regulate and govern the Montana Penitentiary, approved May 6, 1873. Read first and second times, and amended as follows, by Sanders:

Add after the word "attached," in sec. 6, "and leave the said prison in as good condition as the same was when he took possession thereof, natural wear and tear and damage by unavoidable fires excepted.

Also, as follows:

Add to section 17: "If the authorities of the United States shall, pursuant to law, demand possession of said penitentiary under circumstances making it the duty of the executive au-

thorities of this Territory to deliver the same to the United States, then said lease may be terminated without any claim against the Territory for damage by reason of such termination."

On motion the bill was considered engrossed and ordered printed.

Alger, chairman of the Committee on Enrollment, reported H. J. R. No. 5 correctly enrolled.

Mr. Speaker announced that he had signed H. B. No. 14, and H. J. M. No. 2.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 17 correctly engrossed.

H. B. No. 17, an act to amend an act authorizing the county commissioners of Missoula county to levy a special tax for the purpose of building, buying and repairing bridges in said county, was taken up, read the third time, and passed by the following vote:

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—24.

Nays—None.

Absent—Alger and Coleman.

The title was agreed to.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., January 21, 1874. }

MR. SPEAKER—I am instructed by the Council to inform

your honorable body that the following notices of bills have been given in the Council:

By Walker: Of a bill for the protection of certain persons from certain consequences.

By Stuart: Of a bill to provide for the observance of Sunday as a day of rest.

By Newcomer: Of a bill to repeal the act concerning roads and highways, approved May, 1873.

That the following bills have been introduced:

By Yager: A bill for an act relating to county finances.

By Garrigan: Of a bill to amend an act concerning counties and county boundaries.

Also, C. C. R. No. 4, making certain appropriations.

That C. J. R. No. 5 has passed out of the control of the Council, and is now on file with the Secretary, having been approved by the Governor.

Respectfully,

CARPENTER, *Chief Clerk.*

Alger, chairman of the Committee on Enrollment, reported H. B. No. 14, and H. J. M. No. 2, correctly enrolled.

Also, that he had handed H. B. No. 14, and H. J. M. No. 2 to the Governor at 2:52 p. m., for his approval.

Sanders introduced, with leave, H. B. No. 26, an act to repeal an act entitled, C. J. R. No. 5. Read first and second times, and on motion, the rules were suspended, the bill considered engrossed, the bill read the third time and passed by the following vote:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chess-

man, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate, and Mr. Speaker—26.

Noes—None.

The title was agreed to.

On motion of Alger the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

EIGHTEENTH DAY.

JANUARY 22, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Carmichael and Kerley.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Notices of the introduction of bills were given as follows:

By Sutton: A bill for the disposing of, unclaimed witness and jury fees.

By Alger: A bill to amend section 44 of chapter 85 of an act entitled An Act revising, re-enacting and codifying the

general and permanent laws of Montana Territory in relation to the collection of the revenue, approved January 12, A. D. 1872.

By Coleman: A bill for an act entitled An Act to provide for the election of all territorial, district, county and township officers at a general election to be held bienially.

Also, a bill for an act entitled An Act to encourage emigration into the Territory.

By Kerley: A bill in relation to Notaries Public.

On motion of Kerley, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
January 22, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills have been given in the Council:

By Maillet: Of a bill to amend section 29, chapter 21, of the codified laws.

By Yager: Of a bill to provide for the collection of vital statistics.

That the following bills have been introduced:

By Maillet: C. B. No. 28, to amend section 14, chapter 35, of codified general laws.

By Walker: C. B. No. 29, to protect certain persons from certain consequences.

By Garrigan: C. B. No. 30, to amend an act to attach the counties of Choteau, Big Horn and Dawson to others for judicial purposes.

That H. B. No. 2, relating to trade marks and brands, has passed the Council with amendments.

Respectfully,

CARPENTER, *Chief Clerk.*

Heldt, from the Committee on Engrossment, reported back H. B. No. 23 correctly engrossed.

Sanders introduced H. B. No. 27, for an act to further enlarge the suffrage.

Read first and second times.

O'Keefe moved a suspension of the rules, that the bill be considered engrossed, read third time and put upon its final passage.

Mead moved a call of the House.

Absent—Brown.

Sergeant-at-arms ordered to bring in absentee.

Sergeant-at-arms reported Mr. Brown in his seat.

Further proceedings under the call was, on motion of Sanders, dispensed with.

The ayes and nays being called, upon the suspension of the rules, resulted as follows:

Ayes—Aiken, Arnoux, Chessman, Dean, Dusold, Hartwell, Heldt, O'Keefe and Sanders—9.

Noes—Alger, Brown, Carmichael, Coleman, Curtis, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, Stafford, Sutton, Tate and Mr. Speaker—17.

Motion lost.

On motion of Coleman, the bill was indefinitely postponed by the following vote:

Ayes—Aiken, Alger, Brown, Carmichael, Coleman, Curtis, Emerson, Ezekiel, Harrington, Kennedy, McCauley, Stafford, Sutton, Tate and Mr. Speaker—15.

Noes—Arnoux, Chessman, Dean, Dusold, Hartwell, Heldt, Kerley, Mallory, Meade, O'Keefe and Sanders—11.

The following majority report was made by the Committee on Agriculture and Manufactures, on H. B. No. 16:

MR. SPEAKER—The majority of your committee to whom was referred H. B. No. 16, after having the same under consideration, ask leave to report the same back to the House, recommending that it do not pass.

CARMICHAEL,
HARTWELL,
ARNOUX.

The following minority report was made by the same committee:

The minority of your committee to whom was referred H. B. No. 16, beg leave to report the same back to the House, recommending that the bill do pass.

C. M. TATE,
C. C. O'KEEFE.

H. B. No. 23, An Act to amend an act in relation to county commissioners.

Read third time, and on motion of Mr. Ezekiel, was recommitted to the committee on Ways and Means.

Alger offered the following resolution, which was adopted :

MR. SPEAKER—*Resolved*, That the engrossing clerk assist the assistant clerk in his duties, in the absence of the chief clerk.

ALGER.

H. B. No. 2, with Council amendments, was taken up and made the special order in Committee of the Whole for half past 10 o'clock A. M. to-morrow.

H. B. No. 16, An Act in relation to tolls, was taken up, and on motion of Carmichael the majority report was adopted.

Bill read third time and lost by the following vote :

Ayes—Coleman, Curtis, Ezekiel, O'Keefe and Tate—5.

Noes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Sutton, Stafford and Mr. Speaker—21.

On motion of Ezekiel, the House adjourned to 10 o'clock to-morrow.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

NINETEENTH DAY.

JANUARY 23, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Brown and Sanders absent.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Heldt introduced the following resolution, which was adopted :

Resolved, That the Auditor or Secretary of the Territory be requested to furnish to each member of this House a printed copy of so many of the laws passed at the extraordinary session of 1873 as were printed, also of such others as the House may order.

HELDT.

Arnoux offered the following resolution, which, on motion of Sanders, was adopted :

Resolved, That the petition of W. B. Hibbard, Superintendent of the Western Union Telegraph Co., together with the report of the Committee on Ways and Means, be re-committed to that committee for further consideration.

Sutton introduced H. B. No. 28, An Act disposing of unclaimed witness and jury fees. Read first and second times, and amended as follows, on motion of Sanders :

Add "Constable, Marshal or Sheriff," after the word "any" in line 2 of sec. 1.

Add to sec. 3, "if the money applicable thereto has been paid into the Treasury."

Add after the word "such" in line 1, sec. 5, the words "constable, marshal, sheriff."

Also, as follows, on motion of Sanders :

Add to "the county treasurer shall keep a detailed account of all moneys received by him under this act, with the name of the officer, juror or witness to whom each sum belongs, which shall be furnished to such treasurers at the time said moneys are paid."

On motion of Ezekiel, the bill, with the amendments, was referred to the Committee on Finance.

The following communication was received from the Governor, through Mr. George Callaway, his Private Secretary :

EXECUTIVE DEPARTMENT, }
VIRGINIA CITY, Jan. 23, 1874. }

To the House of Representatives :

I have the honor to inform the House of Representatives that I did on the 20th day of January, 1874, approve H. J. M. No. 1, in relation to the Yellowstone National Park.

Also, on the 21st day of January, 1874, I approved H. B. No. 14, entitled an act to amend section 51, of chapter 23, of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872.

Also, on the same day I approved House Joint Memorial, No. 2, in relation to irrigation, etc.

Respectfully,

B. F. POTTS, *Governor.*

The House then went into Committee of the Whole to consider H. B. No. 2. Heldt in the chair.

The House resumed. Mr. Speaker in the chair.

O'Keefe introduced H. B. No. 29, an act to regulate the suffrage. Read first and second times and referred to the Committee on Elections.

Alger introduced H. B. No. 30, an act to amend section 44 of chapter 85, of an act entitled, An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, in relation to the collection of the revenue, approved Jan. 12th, 1874. Read first and second times.

Mead moved that the bill be considered engrossed. Read third time by its title and passed.

Motion lost. The bill was then referred to the Finance Committee.

The following communication was received from the Council:

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., Jan. 23, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 20, and H. B. No. 17, have passed the Council.

That Arick has introduced C. B. No. 31, an act to authorize the county commissioners of Lewis and Clark county to establish fire limits within the city of Helena, which has passed the Council.

That Stuart has introduced C. B. N. 32, for the observance of Sunday as a day of rest.

That Newcomer has introduced C. B. No. 33, an act to provide for a system of common schools.

The following notices of bills have been given in the Council :

By Dance : For a bill to amend certain sections of the codified laws.

Also, of a bill to provide for printing the reports of Territorial officers previous to the meeting of the next Legislative Assembly.

That Mæillet has introduced C. B. No. 34, to amend sec. 29 of chapter 21 of the codified general laws.

That Barber has introduced C. B. No. 35, to amend section 422 of Criminal Practice Act.

That Beattie has introduced C. B. No. 36, to create the office of Commissioner of Immigration, and to provide for the same.

Respectfully,

CARPENTER, *Chief Clerk.*

C. B. No. 31, an act to authorize the county commissioners of Lewis and Clark county to establish fire limits within the town of Helena. Read first and second times and referred to a select committee consisting of the delegation from Lewis and Clark.

Heldt, chairman of the Committee of the Whole, reported at follows :

MR. SPEAKER — Your Committee of the Whole House, on Council amendments to House Bill No. 2, beg leave to report as follows :

That the House disagree to Council amendment No 1 to section 2 of said bill.

That the House disagree to Council amendments No. 2, 3, 4, and 5,

That the House agree to Council amendment No. 7, up to the word "also," and strike out all after the word "also" in said amendment.

That the House disagree to Council amendments Nos. 8 and 9, and so much of amendment No. 10 as relates to changing sections, and agree with the balance of said amendment.

All of which is respectfully submitted.

On motion of Sanders the report was adopted.

Alger moved that the Council be requested to recede from their amendments to section No. 2; also amendments 2, 3, 4 and 5; also that the Council be requested to strike out all of the amendment No. 7 after the word "also."

Also, amendments 8 and 9, and so much of amendment 10 as relates to changing sections.

Pending the motion, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Alger was granted leave to withdraw his motion in regard to H. B. No. 2.

On motion of Harrington, the vote by which the House refused to concur in the Council amendment to H. B. No. 2 was reconsidered.

On motion, the report of the Committee of the Whole on H. B. No. 2 was rejected.

Harrington moved to concur in the Council amendments to H. B. No. 2, which was lost by the following vote :

Ayes—Arnoux, Brown, Coleman, Emerson, Ezekiel, Harrington, Kerley, Mead, O'Keefe, Sutton—10.

Noes—Aiken, Alger, Carmichael, Chessman, Curtis, Dean, Dusold, Hartwell, Heldt, Mallory, McCauley, Sanders, Stafford, Tate and Mr. Speaker—15.

On motion, the Council was asked to recede from their amendments.

Sanders offered the following resolution, which was adopted :

Resolved, That the thanks of the members of the House be and they are hereby tendered to Harry J. Norton, for the present of the copies of "Wonderland," a book which, with so much vividness and fidelity, depicts the natural curiosities with which the Yellowstone National Park so abundantly abounds.

Kerley offered the following resolution which was referred to the Committee on the Judiciary.

Resolved, That a committee of two be appointed by the Speaker to wait upon the Auditor of the Territory, and request him to furnish each member of this House with a copy of the Supreme Court reports of Montana.

Sutton, chairman of the Committee on Finance, reported as follows :

MR. SPEAKER—Your committee, to whom was referred H. B. No. 30, beg leave to report the same back to the House, and recommend that it do pass.

Chessman, chairman of the select committee to which was referred C. B. No. 31, reported as follows :

MR. SPEAKER—Your select committee, to whom was re-

ferred C. B. No. 31, beg leave to report that they have had the same under consideration and recommend that the bill do pass.

Report adopted.

Sanders gave notice that he would, on to-morrow or some subsequent day, introduce a bill for an act to regulate the telegraphic transmission of warrants and order of arrest and writs of attachment in the Territory of Montana.

Coleman introduced H. B. No. 31, an act entitled, An Act to provide for the prosecution of criminals and offenders in the District Court, by information upon the part of the District Attorneys, and for the repeal of certain laws relating to grand juries. Read first time, rules suspended, and the bill ordered printed.

On motion of Hartwell, the rules were suspended, and C. B. No. 31, an act to authorize the county commissioners of Lewis and Clark county to establish fire limits within the town of Helena, was taken up and read the third time by its title, and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Mead, O'Keefe, Sanders, Stafford, Sutton, and Tate—23.

Nays—Heldt, McCauley, and Mr. Speaker—3.

On motion of Sanders the following amendment to the title was adopted :

Add to title, " And for other purposes."

The title was then agreed to as amended.

On motion of Coleman the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTIETH DAY.

JANUARY 24, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Alger, of the Joint Committee on Enrollment, reported H. B.'s Nos. 17 and 20 correctly enrolled.

Emerson, chairman of the Committee on Ways and Means, reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 23, beg leave to report¹ that they have had the same under consideration, and recommend the accompanying substitute for sec. (7) seven :

SEC. 7. This act shall take effect and be in force from and after March 10th, 1874.

Notices of the introduction of bills were given as follows :

By Kerley: A Concurrent Resolution appropriating certain moneys to the Montana Historical Society.

O'Keefe introduced the following resolution :

Resolved, That all bills which shall be hereafter introduced in this House, after having been read a second time, be referred to the Committee on Printing, and ordered printed.

O'KEEFE.

Kerley moved to adopt the resolution.

O'Keefe moved a call of the House.

Curtis absent.

On motion of Mr. Sanders, a further call of the House was dispensed with. The ayes and noes were then called on the passage of O'Keefe's resolution, and was lost by the following vote :

Ayes—Coleman, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, O'Keefe, Sutton, Tate and Mr. Speaker—11.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Dean, Dusold, Ezekiel, Mallory, Mead, McCauley, Sanders and Stafford—14.

Absent—Curtis.

Alger, of the Joint Committee on Enrollment, reported C. B. 31 correctly enrolled.

H. B. No. 23 was taken up, and the amendment of the Committee on Ways and Means was adopted.

On motion of Sanders, the following amendment was adopted :

Add to section 1: But no other or greater sum shall be paid by the County Commissioners for the preparation of such reports for the entire year than is now paid for the preparation of the accounts of the respective counties annually.

The bill was then ordered engrossed as amended, for a third reading.

H. B. No. 30 was taken up and read for information, and was recommitted to the Committee on Finance.

Mr. Speaker announced that he had signed H. B.'s Nos. 17 and 20.

Brown gave notice of an introduction of a bill for an act in relation to the location and re-location of quartz claims.

On motion of McCauley, House took a recess to 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Curtis, with leave.

Kerley gave notice of the introduction of a bill for An Act authorizing the County Commissioners of Deer Lodge county to audit and allow certain claims.

Alger reported as follows:

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report House Bill No. 17: An Act to amend an act authorizing the County Commissioners of Missoula county to levy a special tax for the purpose of building, buying and repairing bridges.

Also, H. B. No. 20: An Act to amend an act in relation to counties and county officers, handed to the Governor at 11:14 this A. M. for his approval.

JOS. M. ALGER, *Chairman.*

On motion of Brown House adjourned to Monday at 10 A. M.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-SECOND DAY.

JANUARY 16th, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Mallory.

Prayer by the Chaplain.

Journal of Saturday read and approved.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., January 24, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That Beattie has introduced C. B. No. 37, to define certain crimes and to provide a punishment therefor.

That Newcomer has introduced C. B. No. 38, a bill for an act to repeal the road law of May, 1873.

That C. C. R. No. 4, to pay W. F. Kirkwood for services as clerk at the 7th Session, has been indefinitely postponed.

That C. B. No. 12, in relation to rights of married women, has passed the Council.

That the Council refuses to recede from its amendments to H. B. No. 2.

That the following notices of bills have been given:

By Stuart: Of a bill to provide for the appointment of deputy district clerks.

By Arick: Of a bill for an act for the relief of Sol. Star.

By Beattie: A bill for an act concerning sheriffs.

Respectfully,

CARPENTER, *Chief Clerk.*

Mead, chairman of the Committee on Elections, made the following majority report:

MR. SPEAKER—Your Committee on Elections, to whom was referred H. B. No. 29, a majority of said committee report the same back to the House, with the following substitute for section 1 of said bill, and recommend that it do pass with substitute:

SECTION 1. That all male citizens of the United States above the age of twenty-one years, and all male persons of the same age who have declared their intention of becoming such citizens, shall be deemed electors of this Territory, and shall be entitled to vote at an election for delegate to Congress, and for territorial, county and precinct officers; *Provided*, They shall have resided in the Territory six months, and in the county where they offer to vote thirty days next preceding the day of election.

All of which is respectfully submitted,

MEAD, *Chairman.*

Dusold and Heldt made the following minority report:

MR. SPEAKER—Your Committee on Elections, to whom was referred H. B. No. 29, had the same under consideration and report the same back to the House, with the following amendment:

After the word "days" in line 10, section 1, insert the following: And ten days in the county.

And recommend that it do pass.

DUSOLD,
HELDT.

The bill with the majority report was re-committed to the Committee on Elections.

Kerley, chairman of the Committee on Printing, reported as follows:

MR. SPEAKER—The Committee on Printing beg leave to report that they had House Bills No. 22 and 24 printed, and find the same correct according to the original bill, but in bill No. 22 there is a clerical error, the figures 1866 appearing in the place of 1876.

KERLEY, *Chairman*.

Ezekiel, chairman of a select committee, reported as follows:

MR. SPEAKER—Your Select Committee, to which was referred H. B. No. 1, having had the same under consideration, beg leave to report that they have carefully examined all acts of Congress defining the boundaries of this Territory, and the Territories of Idaho, Dakota and Wyoming, and find no unappropriated territory lying south of us; we therefore report the bill back without recommendation.

EZEKIEL,
STAFFORD,
CARMICHAEL.

Report received.

Notices of the introduction of bills were given as follows:

By Emerson: Bill defining the southern boundary of Jefferson county.

Mead introduced H. B. No. 32, An Act to amend sections 136, 137, 185, 199 and 202, of chapter 1, of the general and permanent laws, entitled Administrators and Executors, approved January 12, 1872. Read first and second times and referred to Judiciary Committee.

Mr. Heldt, chairman of the Committee on Engrossment, reported H. B. No. 23 correctly engrossed.

I move that the chief clerk be instructed to return H. B. No. 2 to the Council, with the request that they take such action on the bill as parliamentary usages prescribe, and that all further action be endorsed on the bill.

EZEKIEL.

Motion adopted.

C. B. No. 12, a bill for an act to authorize married women to transact business in their own names, as sole traders. Read first and second times and referred to the Judiciary Committee.

H. B. No. 1 was read for information.

On motion of Mead, H. B. No. 1 was referred to a select committee, composing the delegation of Beaver Head county.

O'Keefe introduced the following resolution :

Resolved, That all bills of a general nature that are introduced in this House shall be referred to the Printing Committee and ordered printed, after the second reading.

Stafford moved to indefinitely postpone the resolution.

Motion lost.

The resolution was then lost by the following vote :

Ayes—Coleman, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mead, McCauley, O'Keefe, Sutton, Tate and Mr. Speaker—12.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Dean, Dusold, Hartwell, Heldt, Mallory, Sanders and Stafford—13.

H. B. No. 22 was taken up, and Coleman moved to suspend the rules and consider the bill engrossed, read the third time and placed upon its final passage, which motion was lost by the following vote :

Ayes—Coleman, Dean, Dusold, Hartwell, Heldt, Kennedy, Mallory, Sanders, Stafford and Tate—10.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Emerson, Ezekiel, Harrington, Kerley, Mead, McCauley, O'Keefe, Sutton and Mr. Speaker—15.

On motion of Coleman, the bill was ordered engrossed.

H. B. No. 24 was taken up and ordered engrossed for a third reading.

H. B. No. 23, an act to amend an act entitled An Act in relation to county commissioners, approved January 9, 1872, was read the third time and passed by the following vote.

Ayes—Aiken, Alger, Arnoux, Carmichael, Chessman, Coleman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, Sanders, Sutton, Tate and Mr. Speaker—18.

Nays—Brown, Ezekiel, Mallory, Mead, McCauley, O'Keefe and Stafford—7.

The title was agreed to.

The following communication was received from the Governor, through his private secretary, Mr. Geo. Callaway :

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Jan. 24, 1874. }

To the House of Representatives :

I have the honor to inform the House of Representatives

that I have this day approved H. B. No. 17, entitled an act to amend an act entitled An Act authorizing the county commissioners of Missoula county to levy a special tax for the purpose of building, buying and repairing bridges.

Also, H. B. No. 20, entitled An Act to amend an act in relation to counties and county officers, approved January 12, 1872.

Respectfully,

B. F. POTTS, *Governor*.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
January 24, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That C. J. R. No. 4, to pay Wm. Thompson and E. H. Bartlett & Co. for certain repairs has passed the Council.

That C. B. No. 39, to amend sections 32 and 33 of chapter 23 of codified general laws, has passed the Council.

The following notices of bills have been given:

By Newcomer: Of a bill for an act to provide for the support of the Deer Lodge fire department, and for other purposes.

By Davis: Of a bill for an act to amend sections 90 and 196 of the criminal practice act.

Also, of a bill for an act providing that suit may be brought upon the bonds of county commissioners by any resident tax-payer of the county.

That Beattie has introduced C. B. No. 40, a bill for an act to repeal the license tax on insurance companies.

Respectfully,

CARPENTER, *Chief Clerk*.

C. J. R. No. 4 was taken up, read first and second times and referred to the Finance Committee.

C. B. No. 39, an act to amend sections 32 and 33, chapter 23, of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872, was taken up, read first and second times and referred to the Committee on Elections.

On motion of O'Keefe, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Coleman.

Mead, from the Committee on Elections, made the following majority report:

MR. SPEAKER—The majority of your Committee on Elections, to whom was referred H. B. No. 29, report the same back to the House with the accompanying substitute, and recommend that said substitute do pass.

Ezekiel moved that the majority report, with the substitute, be adopted.

On motion of Sanders, the special order for 2:30 o'clock, H. B. No. 4, was deferred 10 minutes.

Coleman moved to amend Ezekiel's motion by recommitting the substitute with the report, to the Committee on Elections, with the following amendments:

Amend by striking out the word "such" in line 5 of sec. 1, and inserting in lieu thereof the words, "and who under the laws of the United States may become."

Also, Amend by inserting after the word "citizens" in line 5 of sec. 1, the words, "of the United States." Which motion was lost by the following vote:

Ayes—Coleman, Dean, Hartwell, Harrington, Heldt, Kennedy, Mallory, Sanders, Tate and Mr. Speaker—10.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Dusold, Emerson, Ezekiel, Kerley, Meade, McCauley, O'Keefe, Stafford and Sutton—15.

On motion of Meade, the consideration of the special order was deferred for (10) ten minutes.

Ezekiel's motion to adopt the majority report with the substitute to H. B. No. 29, was carried by the following vote:

Ayes—Aiken, Arnoux, Alger, Brown, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Meade, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—16.

Nays—Chessman, Coleman, Dean, Dusold, Hartwell, Heldt, Mallory, Sanders—8.

O'Keefe moved to adjourn. Motion lost.

The House then went into Committee of the Whole, to consider H. B. No. 4, Sanders in the chair.

The House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Carpenter, their Chief Clerk:

COUNCIL CHAMBER, M. T., }
JANUARY 10, 1874. }

MR. SPEAKER—I am instructed by the Council to inform

your honorable body that Newcomer has introduced C. B. No. 41 to provide for the support of the Deer Lodge Fire Department.

That C. B. No. 17, to provide for the collection of statistics, has passed the Council.

That the action of the Council upon H. B. No. 2 is endorsed thereon, and that they are unaware of any omission of parliamentary usage or courtesy in their action upon the bill.

Respectfully,

CARPENTER, *Chief Clerk.*

Sanders reported as follows :

MR. SPEAKER — Your Committee of the Whole House have had under consideration H. B. No. 4, and report the same back with the recommendation that it do not pass.

W. F. SANDERS, *Chairman.*

Report received and adopted.

H. B. No. 2 was taken up, and on motion of Mr. Sanders, the House insisted upon their disagreement to Council amendments.

H. B. No. 4 : An Act to provide for the election of County Assessors, was taken up, and upon motion of Sanders, the rules were suspended, the bill considered engrossed, and read the third time by its title, and lost by the following vote :

Ayes—Carmichael, Ezekiel, Mallory, Sanders, Stafford and Tate—6.

Nays—Aiken, Alger, Arnoux, Brown, Chessman, Coleman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mead, McCauley, O'Keefe, Sutton and Mr. Speaker—19.

C. B. No. 17 : An Act to provide for the collection of statistics. Read first and second times and referred to the Committee on Education and Labor.

Coleman introduced H. J. R. No. 2. Read first time, and on motion of Sanders, was rejected.

On motion of Carmichael, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-THIRD DAY.

JANUARY 27, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Harrington presented a petition from the citizens of Meagher county.

Notices of the introduction of bills were given as follows:

By Emerson: A bill for An Act re-apportioning the Council and Representatives of Montana Territory.

By Sanders: A bill for An Act to regulate certain fees to certain officers in the Territory of Montana.

Coleman introduced H. B. No. 33: An Act to encourage immigration into the Territory. Read first time.

Stafford moved to reject H. B. No. 33. Motion lost. Read second time and referred to the Committee on Indian Affairs.

Heldt, chairman of the Committee on Enrollment, reported House Bills Nos. 22, 24 and 29 correctly enrolled.

H. B. No. 29: An Act to regulate the suffrage, was, on motion of Sanders, recommitted to the Committee on Elections.

H. B. No. 22 was taken up and made the special order for 2:30 o'clock this P. M., to be considered in Committee of the Whole.

H. B. No. 24 was taken up, and on motion of Mr. Alger, was made the special order for 3 o'clock this P. M., to be considered in Committee of the Whole.

On motion of Mr. Coleman, the House took a recess until 2 o'clock this P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Alger, the motion to make H. B. No. 22 the special order for 2:30 o'clock P. M. was rescinded.

On motion of Alger, the House went into Committee of the Whole to consider H. B. No. 22, Alger in the chair.

Mr. Carpenter, Chief Clerk of the Council, delivered the following message:

COUNCIL CHAMBER, VIRGINIA CITY, }
January 21, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that C. B. No. 41 has passed the Council.

That Stuart has introduced C. B. No. 42: To authorize the appointment of Deputy District Clerks.

That Arick has given notice of a bill to amend an act to regulate proceedings in the courts of Justice in Montana Territory.

By Beattie: Of a bill relating to license tax upon insurance companies.

That C. B. No. 40, to repeal the license tax on insurance companies was lost.

That the Council respectfully ask the House in future to transmit to the Council all House bills which they may wish the Council to consider, that the Council may have its action endorsed thereon, and, in general, to observe the parliamentary rules and usages which govern similar bodies; and the Council would further request that the House will cause to be transmitted to the Council H. B. No. 2, with its action endorsed thereon, that the Council may act intelligently in the premises.

Respectfully,

CARPENTER, *Chief Clerk.*

Alger, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 22, report the same back, and ask leave to sit again.

ALGER, *Chairman.*

Report received and adopted, and

On motion of Mr. Alger, H. B. No. 22 was made the special order for 10:30 o'clock A. M. to-morrow.

C. B. No. 41: An Act to provide for the support and maintenance of the Deer Lodge Fire Department. Read first and

second times and referred to a select committee composed of the Deer Lodge delegation.

On motion of Mr. Alger, the vote by which H. B. No. 24 was made the special order for 3 o'clock this P. M. was re-considered and made the special order for 2:30 o'clock P. M. on to-morrow.

On motion of Alger the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-FOURTH DAY.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

Sutton made the following report:

MR. SPEAKER—Your committee to whom was referred H. B. No. 28 with amendments, beg leave to report the same back to the House recommending their adoption, and that the bill do pass as amended.

SUTTON, *Chairman.*

Report received.

Arnoux reported as follows:

MR. SPEAKER—Your committee to whom was referred H.

B. No. 13, having had the same under consideration, report the same back to the House, and recommend that it be referred to a select committee composed of the members of Choteau, Lewis and Clark and Deer Lodge counties.

Respectfully,

ARNOUX, *Chairman.*

Report received.

Alger reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred C. B. No. 41, beg leave to report the same back with the recommendation that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

Report received.

Alger introduced H. B. No. 34, An Act to authorize the county commissioners of Deer Lodge county to appoint a fire warden, and for other purposes.

Read first and second times, and on motion of Alger the rules were suspended, the bill considered engrossed, read the third time by its title, and passed by the following vote:

Ayes—Aiken, Alger, Brown, Arnoux, Carmichael, Chessman, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—None.

Absent—Coleman, Curtis and Heldt—3.

The title was agreed to.

H. B. No. 28 was taken up.

The hour of 10:30 o'clock having arrived—the hour at which the House was to consider H. B. No. 22—the House

went into Committee of the Whole to consider H. B. No. 22. Alger in the chair.

The House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, M. T., }
January 26, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That the Council adheres to its amendments to H. B. No. 2, in relation to trade marks and brands.

That C. B. No. 42, to authorize the appointment of deputy clerks of district courts, has passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

H. B. No. 28 was taken up and amendments of the committee adopted, and ordered engrossed for third reading.

H. B. No. 13 was taken up and the report of the Committee adopted, and the bill was referred to a committee composed of two from Deer Lodge, two from Lewis and Clark, and one from Choteau.

Messrs. Aiken, Dean, Arnoux, Chessman and Hartwell were appointed said committee.

On motion of Harrington, a conference committee of three were appointed on the part of the House to confer with a like committee on the part of the Council, upon H. B. No. 2.

Messrs. Harrington, Arnoux and Tate were appointed on said committee.

Kerley, chairman of the Committee on Printing, reported as follows:

That H. B. No. 25 was correctly printed, with the exception of some unimportant typographical errors.

C. B. No. 41 was taken up, An Act to provide for the maintenance of the Deer Lodge City fire department, was read the third time and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate, and Mr. Speaker—26.

Noes—None.

'Title agreed to.

C. B. No. 42, An Act to authorize the appointment and qualification of deputy clerks of district courts, read first and second times and referred to the Judiciary Committee.

On motion, H. B. No. 25 was made the special order for 10:30 o'clock A. M. to-morrow, to be considered in Committee of the Whole.

On motion of Sutton, the House took a recess until 2 o'clock this P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called — quorum present.

Absent—Aiken, Coleman, Curtis, Hartwell, Heldt and Sanders.

Alger, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 22, have had the same under consideration and report the same back and recommend that section 2 be amended by striking out on line two, the words “has qualified” and insert the words “shall qualify.” Sec. 3 be amended by striking out all after the word “election” in line three, and inserting the following: “The treasurer now in office shall file new bonds on the first Monday in March, eighteen hundred and seventy-five, and shall hold such office until the first Monday in March, eighteen hundred and seventy-six, and shall then surrender the same to his successor, who shall have qualified under this act.”

Also, by striking out the word “fifteen” in ninth line, and insert the word “twelve.” Also, after the word “dollars” in same line, the words “per annum.”

Section 8 be amended by inserting after the word “day” in line eight, “not less than three or more than ten, as the county commissioners may think proper.” Also, insert the word “the” before “sheriff” in line sixteen.

Also, amend by adding the following as

SEC. 11. That this act shall take effect and be in force from and after its passage.

And that the bill do pass as amended.

Respectfully,

JOS. M. ALGER, *Chairman.*

Report adopted.

On motion of O’Keefe, the following amendment to H. B. No. 22 was adopted:

Amend so that section 8 shall read:

SEC. 8. The county commissioners of the several counties shall, at a meeting of their board in September, 1876, and each year thereafter, at their September session, designate not less than three nor more than ten points in their respective counties, most convenient for the people to meet and pay

their taxes; they shall give, or cause to be given, notice that on a certain day, named by them in such notice, the sheriff will be at such point for the purpose of receiving their taxes; and such as desire may pay taxes at such place on such day, *Provided*, That the day named by the commissioners shall be before the twenty-fifth day of November; and it shall be the duty of the sheriff to be at such place on such day, in person or by deputy, for the purpose of receiving taxes.

Kerley moved the adoption of the following amendment:

That wherever the word "sheriff" occurs it be stricken out, and insert the word "assessor."

On motion of Sanders, the motion, with the amendment, was laid on the table.

Sanders moved to re-consider the vote by which the amendment was laid on the table.

Motion carried.

The motion to adopt Kerley's amendment was lost.

The bill was then ordered engrossed for third reading.

The following notices for the introduction of bills were given:

By Mead: A bill for an act to collect, identify and claim cattle in the counties of this Territory.

By Ezekiel: A bill for An Act to establish the compensation and fees of the Territorial auditor and treasurer.

By Alger: A bill to change the boundary lines between Missoula and Deer Lodge counties.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., Jan. 28, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That the Council has concurred in House amendments to C. C. R. No. 3 in relation to experts:

That Newcomer, Davis and Walker have been appointed on the part of the Council to act with the like committee appointed by the House to confer on H. B. No. 2.

Respectfully,

CARPENTER, *Chief Clerk.*

The House then went into Committee of the Whole to consider H. B. No. 24. Mr. Alger in the chair.

The House resumed. Mr. Speaker in the chair.

Alger reported C. B. No. 41 correctly enrolled.

Mr. Speaker announced that he had signed C. B. No. 41.

On motion of Carmichael, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-FIFTH DAY.

JANUARY 29, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Alger, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 24: A bill for An Act entitled An Act making the Probate Judges of the several counties ex-officio County Clerks and Recorders thereof, have, according to order, had the same under consideration, and have made progress therein; but not having had time to go through the same, have directed me to ask leave to sit again.

Respectfully,

JOS. M. ALGER, *Chairman.*

Report adopted.

On motion of Mr. Alger, the vote by which H. B. No. 25 was made the special order for 10:30 o'clock this A. M. was reconsidered.

On motion of Mr. Alger, H. B. No. 24 was made the special order for 10:30 o'clock this A. M.

On motion of Mr. Alger, H. B. No. 25 was made the special order for 2:05 o'clock this P. M.

On motion of Mr. Sutton, the amendments, as adopted, to sec. 1, be inserted in each section wherever required by the Engrossing Clerk to H. B. No. 28.

Notice of the introduction of a bill was given as follows :

By Mr. Kerley: A bill to abolish all county officers in the various counties, and make it the duty of the Territorial officers to perform all duties now incumbent upon county officers, without other compensation than that now allowed them by law.

Mead reported H. B. No. 29 back to the House with a substitute recommending that the substitute do pass.

Report adopted and the bill ordered engrossed.

The House then went into Committee of the Whole to consider H. B. No. 24, Alger in the chair.

House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk :

COUNCIL CHAMBER, VIRGINIA CITY, }
January 29, 1874. }

MR. SPEAKER—I am instructed to inform the House that the following notices of the introduction of bills have been given :

By Maillet: Of a bill for An Act to change the boundaries of Missoula county, so as to include the town of Phillipsburg in said county of Missoula.

By Dance : Of a bill for An Act to amend an act in relation to the collection of licenses and taxes.

That the following bills have been introduced :

By Arick : C. J. R. No. —, to pay storage on arsenal supplies.

By Beattie: C. B. No. 43: A bill for An Act to regulate tax on insurance companies.

Respectfully,

CARPENTER, *Chief Clerk.*

Mr. Kerley introduced H. C. R. No. 1. Read first and second times and referred to the Committee on Finance.

Mr. O'Keefe moved to adjourn. Motion lost.

Mr. Ezekiel introduced H. J. R. No. 3. Read first and second times.

On motion of Mr. Sanders, the following amendment was adopted: "or his assigns."

The resolution was then referred to the Committee on Ways and Means.

On motion of Mr. Ezekiel, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Alger, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 24: A bill for an Act entitled An Act making the Probate Judges of the several counties ex-officio County Clerks and Recorders thereof, have had the same under consideration, and recommend the adoption of the following amendments thereto:

Amend section 3 by inserting after the words "clerk and clerks," wheresoever they occur, the words " and Recorder ;" also strike out the words "three-fourths," wherever they occur, and insert the words, "one-half;" also strike out all of the last sentence after the word "bill" in line 6.

Also amend by adding as section 4, "At the next general election in this Territory there shall be submitted to the electors of each county the question whether this act shall be in force in such county or no, which question shall be submitted in such form as the County Commissioners shall prescribe. And if upon a return of the vote upon that subject it shall appear that a majority of the votes of the county approve the same, then and thereafter it shall be in force in each county so approving the same, but if disapproved it shall not be in force in each county so disapproving the same.

Also, Make section 4 section 5.

Also, Add the following as section 6: "This act shall take effect and be in force from and after its passage."

Also, That the committee report the same back to the House and recommend that it do not pass.

Respectfully,

J. M. ALGER, *Chairman.*

Report adopted.

The House then went into the Committee of the Whole to consider H. B. No. 25, Alger in the chair.

The House resumed.

On motion of Sanders, Brown was elected speaker *pro tem.* Mr. Brown in the chair.

On motion of Ezekiel, a call of the House was ordered.

On motion of Alger, a further call of the House was dispensed with.

On motion of Alger, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-SIXTH DAY.

JANUARY 30, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Arnoux and O'Keefe.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Alger, chairman of the Committee of the Whole, reported H. B. No. 25 back to the House with amendments.

Report adopted, and the bill ordered engrossed as amended.

Heldt, chairman of the committee on Engrossment, reported H. B. No. 22 correctly engrossed.

Harrington, chairman of the joint conference committee, reported as follows :

MR. SPEAKER—Your conference committee, to whom was referred H. B. No. 2, with Council amendments, have had the same under consideration, and by unanimous consent recommend that the House concur in said amendments to said bill.

HARRINGTON, *Chairman.*

Report adopted.

Notices of the introduction of bills were given as follows :

By O'Keefe : A bill to locate the county line between Deer Lodge and Missoula counties, to start on a certain point on

the Big Blackfoot and run in a southerly direction so as to take in for Missoula, Bear Town, the Flint Creek Hills, and Phillipsburg.

By Coleman : A bill for an act entitled, An Act to enable the county commissioners of Gallatin county to levy a special tax to build a bridge across the West Gallatin river.

Arnoux introduced the following resolution, which was adopted :

Resolved, That the Committee on Public Lands be instructed to examine into the causes of embarrassment to actual settlers on the public domain in this Territory, in procuring titles to their lands, and report such bill, or memorial, or such action as will give the people relief therefrom.

Emerson introduced H. B. No. 35, an act apportioning the members of the Legislative Assembly and prescribing the times of their election. Read first and second times and referred to the Committee on Territorial Affairs.

Brown introduced H. B. No. 36, an act to promote the mining resources of Montana Territory. Read first and second times and referred to the Committee on Mines and Minerals.

On motion of Ezekiel the vote by which Council amendments to H. B. No. 2 were not concurred in, was reconsidered.

On motion of Carmichael, Council amendments to H. B. No. 2 were concurred in.

H. B. No. 2 was then ordered enrolled.

H. B. No. 22, an act entitled, An Act making the sheriffs of the several counties ex-officio Treasurers of their respective counties, was read a third time.

On motion of Aiken, a call of the House was ordered.

Roll called. Mr. Kerley absent.

On Mr. Kerley being reported in his seat, a further call of the House was dispensed with.

The ayes and nays were then called on the passage of H. B. No. 22, which was passed by the following vote:

Ayes—Aiken, Arnoux, Carmichael, Chessman, Coleman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Mallory, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—19.

Nays—Alger, Brown, Curtis, Ezekiel, Kerley, Mead, and O'Keefe—7.

The title was agreed to.

On motion of Sanders the amendments to H. B. No. 24 were adopted, and the bill ordered engrossed.

Tate moved to take a recess until 2 o'clock p. m. Motion lost.

Heldt reported H. B. No. 29 correctly engrossed.

On motion of Emerson, the House took a recess until 2 o'clock p. m.

2 o'clock p. m.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Absent—Coleman.

Emerson gave notice of the introduction of a bill to amend An Act concerning crimes and punishment.

Heldt reported H. B. No. 28 correctly engrossed.

Ezekiel introduced H. B. No. 37, An Act to establish the fees of Territorial Treasurer and Auditor. Read first and second times and referred to the Committee of Ways and Means.

On motion of Mead H. B. No. 25 was taken from the Committee on Engrossment.

On motion of Kerley H. B. No. 22 was referred to a select committee of three, consisting of Messrs. Kerley, Sanders and Kennedy.

The following communication was received from the Council, through Carpenter, their chief clerk:

COUNCIL CHAMBER, VIRGINIA CITY, }
M. T., January 30, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 26 was lost.

That C. B. No. 13, to amend license law; C. B. No. 40, to repeal license tax on insurance companies, and C. B. No. 43, to regulate tax on insurance companies, were lost.

That H. B. No. 34 has passed the Council, with amendments.

That Yager has given notice of a bill to amend act regulating fees of clerks of District Courts.

Also, of a bill to amend act regulating fees for publication of legal notices.

Davis has given notice of a bill to incorporate towns and villages.

Respectfully,

CARPENTER, *Chief Clerk.*

On motion Council amendments to H. B. No. 34 were concurred in.

H. B. No. 28 was taken up, read the third time and passed:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—25.

Nays—Mead.

The title agreed to.

H. B. No. 29, an act amending section 1, of chapter 23, of An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12th, 1872, was taken up and passed by the following vote:

Ayes—Aiken, Alger, Brown, Carmichael, Coleman, Curtis, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mead, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—19.

Noes—Arnoux, Chessman, Dean, Dusold, Mallory, McCauley and Sanders—7.

Title agreed to.

On motion of Sanders the title of the bill was amended so as to read as follows: An Act to regulate the suffrage.

Kerley reported H. B. No. 31 correctly printed.

On motion of Sanders H. B. No. 31 was made the special order for 10:30 o'clock on Wednesday, February 4th.

Brown was granted leave until Wednesday.

Tate, was granted leave until Tuesday.

On motion of McCauley the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-SEVENTH DAY.

JANUARY 31, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

Mallory presented a petition from the citizens of Madison county.

Emerson made the following majority report, which was adopted:

MR. SPEAKER—A majority of your committee, to which was referred H. B. No. 35—a bill for An Act apportioning the members of the Legislative Assembly, and prescribing the time of their election—report the same back to the House, with the recommendation that it do pass.

R. K. EMERSON,

ISAAC DEAN,

A. DUSOLD.

Harrington made the following minority report :

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred H. B. No. 35, beg leave to submit the following minority report, recommending that the bill do not pass.

HARRINGTON.

Notices of the introduction of bills were given as follows :

By Carmichael: A bill for An Act prescribing the duties and regulating the rates of fare that may be collected by stage companies and other common carriers in the Territory of Montana.

By Stafford: A bill to be entitled An Act to enable the people of Montana Territory to aid in the construction of a railroad.

By Coleman: A bill entitled An Act to amend an act regulating fees of district attorneys.

Carmichael moved that H. B. No. 35 be made the special order for 2:30 o'clock P. M. on Wednesday.

Motion lost.

Mr. Sanders in the chair.

On motion of Coleman H. B. No. 35, An Act apportioning the members of the Legislative Assembly, and prescribing the time of their election, was taken up, considered engrossed, read the third time by its title, and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Hartwell, Heldt, Kennedy, Kerley, McCauley, O'Keefe, Sanders and Mr. Speaker—17.

Nays—Carmichael, Ezekiel, Harrington, Mallory, Mead, Stafford and Sutton—7.

And the title was agreed to.

Alger, chairman of the Joint Committee on Enrollment, reported H. B. No. 2 and H. B. No. 34 correctly enrolled.

Mr. Speaker announced that he had signed H. Bs. Nos. 2 and 34.

On motion of Kerley, the House adjourned to 10 o'clock A. M. on Monday.

J. H. ROGERS,
Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

TWENTY-NINTH DAY.

FEBRUARY 2, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Brown and Sanders.

Journal of Saturday read and approved.

Mr. Sutton reported as follows :

MR. SPEAKER—Your Committee on Finance, to whom was referred C. J. R. No. 4, have had the same (with accompanying certificates) under consideration, and return the same, recommending that it do pass.

All of which is respectfully submitted.

SUTTON, *Chairman.*

Report received.

Mr. Alger, Chairman of the Committee on Enrollment, reported as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report House Bill No. 2, An Act in relation to trade marks and brands, also House Bill No. 34, An Act authorizing the County Commissioners of Deer Lodge county to appoint a Fire Warden, and for other purposes, handed to the Governor for his approval at 2:13 A. M., January 31st, 1874.

Respectfully,

JOS. M. ALGER, *Chairman.*

Report received.

Also, as follows :

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 10, a bill for an act entitled An Act to amend sec. 186 of an act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana ; also, H. B. No. 21, a bill for An Act regulating the issue, return and service of summons in the Probate Courts of Montana Territory, have had the same under consideration, and beg leave to report the same back with the recommendation that they do not pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

Hartwell gave the following notice of a bill amending sections 2, 3, 6, 7 and 20 of chapter 40 of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory.

By Coleman : A bill for An Act to amend chapter 57, of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12th, 1872.

Sanders introduced H. J. M. No. 3. Read first and second times, and referred to the Committee on Public Lands.

Alger introduced H. B. No. 38: An Act to amend an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved Jan. 12th, 1872. Read first time.

Aiken moved to reject the bill. Carried.

Ezekiel offered the following resolution, which was, on motion of Mallory, adopted.

Resolved, That the standing committees of this House be and are hereby instructed and required to report all bills now in their hands back to the House on or before Friday, the 33d day of the session.

EZEKIEL.

C. J. R. No. 4 was read the third time and passed.

Ayes—Aiken, Alger, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, and Mr. Speaker—23.

Nays—None.

The title was agreed to.

Coleman introduced H. B. No. 39: An Act to provide for a general election, to be held bi-ennially. Read first and second times, and on motion of Mr. Sanders, amended as follows:

Amend as section 5: "Hereafter it shall be the duty of the judges of all county, district and Territorial elections, to make out duplicate poll-books and election returns, and shall keep one copy and shall transmit the other copy by mail or express to the County Clerk and Recorder of the county in

which such precinct is situated, and all laws which provide for the transmission of such poll-books and returns by messengers, and for the payment of mileage or other compensation, be and the same are hereby repealed.

Make sec. 5 sec. 6.

On motion of Ezekiel, H. B. No. 39 was made the special order for 2:30 o'clock P. M. on to-morrow, to be considered in Committee of the Whole.

H. B. No. 21: An Act regulating the issue, return and service of summons in the Probate Court of Montana Territory, was read for information, and, on motion of Alger, indefinitely postponed.

H. B. No. 10: An Act to amend section 186 of an act entitled An Act to regulate proceedings in civil cases in the courts of justice in the Territory of Montana, was, on motion of Alger, indefinitely postponed.

O'Keefe moved that the House take a recess. Motion lost.

Mead introduced H. B. No. 40: An Act concerning the management of live stock, and the better to protect the interest of stock-growers in the Territory of Montana. Read first and second times, and referred to the Committee on Printing.

On motion of Mallory, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

On motion of Alger, H. B. No. 40 was taken from the Committee on Printing.

On motion of Alger, the House went into Committee of the Whole to consider H. B. No. 40, Alger in the chair.

The House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk :

COUNCIL CHAMBER, VIRGINIA CITY, }
February 2, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body that the following notices of the introduction of bills have been given in the Council :

By Newcomer : Of a bill to amend section 260 of the civil practice act.

By Dance : Of a bill in relation to tax on insurance companies.

By Cooper : Of a bill to amend the act regulating and governing the Penitentiary.

By Beattie : Of a bill to provide for amusements and recreation for the poor.

Also, Of a bill defining the duties of administrators.

The following bills have been introduced :

By Davis : C. J. M. No. 2, in relation to the Yellowstone Valley.

By Newcomer : C. J. R. No. 2, to pay J. H. Mills for printing report of Directors of the Penitentiary.

By Maillet : C. J. M. No. 3, asking for protection for citizens of Deer Lodge and Missoula counties.

That C. B. No. 22, road law, C. B. No. 23, to amend sec. 94, chap. 21 of general laws, C. B. No. 27, to regulate proceedings

in cases of certain misdemeanors, and C. J. R. No. 1 have passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

Mr. Rogers presented a petition from two citizens of Deer Lodge county.

C. J. R. No. 1 was read first and second times and referred to the Committee on Finance.

C. B. 23: An Act to amend section 94, chapter 21 of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory. Read first and second times and referred to the Committee on Towns and Counties.

C. B. No. 27: An Act to regulate proceedings in cases of certain misdemeanors upon pleas of guilty. Read first and second times.

On motion of Sanders, the rules were suspended, read the third time and passed.

Ayes—Aiken, Alger, Arnoux, Carmichael, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders and Sutton—20.

Nays—Dean, Stafford and Mr. Speaker—3.

On motion of Sanders the words "pleas of guilty" were stricken from the title.

The title was agreed to as amended.

Kerley, chairman of the Committee on Printing, retired H. B. No 40 to the House.

C. B. No. 22: An Act in relation to roads and highways,

was read first and second times by title and referred to the Committee on Roads and Highways.

Notices of the introduction of bills were given as follows :

By Kerley : Of a bill to amend section 5 of an act concerning brands and marks.

By Harrington : An Act for the maintenance and care of insane persons of this Territory.

By O'Keefe : An Act regulating lawyers' and doctors' fees.

By Emerson : An Act in relation to official bonds.

Also, A bill for An Act authorizing the several counties of this Territory to change their county seats.

Alger, Chairman of the Committee of the Whole, reported H. B. No. 40, and asked leave to sit again.

Kerley introduced H. J. R. No. 4, for the relief of George F. Cope. Read first and second times, and referred to the Committee on Finance.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 24 correctly engrossed.

Emerson, chairman of the Committee on Ways and Means, reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 37, beg leave to report the same back with accompanying amendments, and ask that the bill do pass.

Amend sec. 1 by striking out the word " nine," and insert " twelve."

Amend sec 2 in line 2 by striking out the word " fifteen "

and insert the word " eighteen."

Emerson moved that the amendments be adopted. Motion lost.

On motion of Mr. Stafford, the rules were suspended and the bill considered engrossed.

A call of the House was ordered.

Absent—Kerley and Hartwell.

Absentees reported in their seats.

On motion of Mr. Dusold, a further call of the House was dispensed with.

The bill was then read the third time, and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, and Mr. Speaker—21.

Nays—Coleman, Harrington and Kerley—3.

Alger, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 40, have had the same under consideration, and report the adoption of the following amendment : Strike out " lay," in line 13, and insert " topography " in section 1 ; also, that sec. 1 be adopted as amended ; also, that sec. 2 be adopted ; also that the bill be referred to the Committee on Printing and ordered printed.

H. B. No. 24 : An Act entitled An Act making the Probate Judges of the several counties ex-officio Clerks and Recorders. Read the third time and lost.

Ayes—Coleman, Hartwell, Kennedy, Mallory—4.

Nays—Aiken, Alger, Arnoux, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kerley, Mead, McCauley, O'Keef, Sanders, Stafford, Sutton and Mr. Speaker—20.

Sanders gave notice that he would on to-morrow move to reconsider the vote by which H. B. No. 24 was lost.

Ezekiel moved to reconsider now.

On motion of Ezekiel, the motion to reconsider now was laid on the table.

Kerley introduced H. B. No. 41: An Act to authorize the County Commissioners of Deer Lodge county to audit certain claims. Read first and second times and referred to the Deer Lodge delegation.

On motion of McCauley, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTIETH DAY.

FEBRUARY 3, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called — quorum present.

Absent—Coleman.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mead made the report from the Judiciary Committee, reporting C. B. No. 12 back to the House, with the recommendation that it do not pass.

Alger, chairman of the Judiciary Committee, reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. B. No. 12, An Act to authorize married women, in their own name, to transact business as sole traders, beg leave to return the same, with the recommendation of the majority that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

W. F. SANDERS.

GEO. S. COLEMAN.

Sutton moved to adopt the minority report. Motion lost.

On motion of Sanders the majority report upon C. B. No. 12 was adopted.

Alger reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. B. No. 42, a bill for An Act to authorize the appointment and qualification of deputy clerks of the district courts, beg leave to report the same back with the recommendation that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

Report received.

Also, as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. B. No. 20, beg leave to report the same back to the House with the following substitute, and recommend that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

W. F. SANDERS,

G. W. COLEMAN,

C. W. SUTTON.

Mead made the following minority report :

That C. B. No. 20 do not pass.

Sutton reported as follows :

MR. SPEAKER—Your Committee on Finance, to whom was referred H. J. R. No. 1, beg leave to return the same with the accompanying amendments, recommending their adoption, and the passage of the resolution.

SUTTON, *Chairman.*

Amend lines — — by striking out “five hundred,” and insert “two hundred and fifty.”

The following message was received from the Council, through Carpenter, their Chief Clerk :

COUNCIL CHAMBER, M. T., }
FEBRUARY 3, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body :

That Newcomer has introduced C. C. R, No. 5, to pay for certain printing.

Yager has introduced C. B. No. 44, to provide for the education of deaf, mute and blind children.

That C. J. M. No. 2, and C. B. M. No. 25, have passed the Council.

That the Council has concurred in House amendment to C. B. No. 27.

Respectfully,

CARPENTER, *Chief Clerk.*

Sutton, chairman of the Committee on Finance, reported H. B. No. 30 back to the House, with amendments.

Notices of the introduction of bills were given as follows:

By Coleman: An act entitled, An Act to repeal sections 156 and 157 of an act entitled An Act to regulate proceedings in criminal cases in the courts of justice of the Territory of Montana.

By McCauley: An act in regard to limitations.

By Ezekiel: A bill for an act providing compensation to the U. S. Marshal of this Territory, for performing certain duties.

By Heldt: A bill to amend section 102 of the general and miscellaneous laws of Montana, in relation to dower, approved January 12th, 1872.

Aiken, chairman of the select committee to whom was referred H. B. No. 41, An Act to authorize the county commissioners of Deer Lodge county to audit certain claims, report the same back to the House with the recommendation that the bill do pass.

C. J. M. No. 2, read first and second times and referred to the Committee on Federal Relations.

C. B. No. 25, an act relating to county finances. Read first and second times and referred to the Committee of Ways and Means.

Hartwell introduced H. B. No. 42, an act entitled, An Act to amend sections 2, 3, 6, 7, and 20, of chapter 40, entitled,

An Act revising, re-enacting and codifying the general and permanent laws of the Territory of Montana. Read first and second times and referred to the Committee on Judiciary.

Aiken introduced H. B. No. 43, an act to define a lawful fence. Read first and second times and referred to Committee on Agriculture.

Carmichael introduced H. B. No. 44, an act prescribing the duties and regulating the rates of fare that may be collected by stage coaches, and other common carriers, in the Territory of Montana. Read first and second times and referred to the Committee on Territorial Affairs.

O'Keefe introduced H. B. No. 45, an act to regulate charges of lawyers and doctors. Read first and second times and amended, and with the amendments referred to the Committee on Indian Affairs.

Mr. Mead in the chair.

Emerson introduced H. B. No. 46, an act in relation to official bonds. Read first and second times and referred to the Committee on Judiciary.

Also, H. B. No. 47, an act to authorize the several counties of this Territory to change their county seats. Read first and second times and referred to the Committee on Towns and Counties.

Also, H. B. No. 48, an act for the maintenance and support of illegitimate children. Read first and second times and referred to Judiciary Committee.

By Stafford: H. B. No. 49, an act to enable the people of the Territory of Montana to aid in the construction of railroads. Rules suspended, the bill read first and second times by its title, and ordered printed.

On motion of O'Keefe, the House took a recess to 2 o'clock P. M.

2 o'clock p. m.—House resumed. Mr. Speaker in the chair.

H. B. No. 30 reported back from the Committee on Finance with amendments. Amendments adopted and the bill ordered engrossed, as amended, for a third reading.

Alger, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 48, have had the same under consideration, and beg leave to report the same back, with the recommendation that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

H. B. No. 41, an act to authorize the county commissioners of Deer Lodge county to audit certain claims. Rules suspended, the bill was considered engrossed, read the third time by its title, and passed.

Ayes—Aiken Alger, Arnoux, Carmichael, Chessman, Coleman, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton, and Mr. Speaker—20.

Nays—Curtis, Dean, Harrington, Sanders, and Tate—5.

And the title was agreed to.

C. B. No. 12, an act to authorize married women to transact business as sole traders, was read the third time and passed:

Ayes—Aiken, Alger, Arnoux, Carmichael, Chessman, Coleman, Dusold, Emerson, Hartwell, Heldt, Kennedy, Kerley, Mallory, McCauley, and Sanders—15.

Nays—Curtis, Dean, Ezekiel, Harrington, Mead, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—10.

Title agreed to.

C. B. No. 20 was reported back with a substitute, recommending its passage.

Substitute adopted, and on motion, the rules were suspended, read the third time and passed :

Ayes—Alger, Arnoux, Chessman, Coleman, Dusold, Hartwell, Heldt, Kennedy, Kerley, Mallory, McCauley, Sanders Stafford and Mr. Speaker—14.

Nays—Aiken, Carmichael, Curtis, Dean, Emerson, Ezekiel, Harrington, Mead, O'Keefe, Sutton, and Tate—11.

Title agreed to.

The House went into Committee of the Whole to consider H. B. No. 39, Mr. Ezekiel in the chair.

The House resumed. Mr. Speaker in the chair.

Heldt, chairman of the Committee on Engrossment, reported H. C. R. No. 1 correctly engrossed.

Ezekiel, chairman of the Committee of the Whole, reported H. B. No. 39 back to the House with the recommendation that it do not pass.

On motion of Harrington the report was adopted.

Kerley, chairman of the select committee to whom was referred H. B. No. 25, reported the same back to the House with an amendment to section 1, and that the bill, with the amendment, be referred to the Committee of the Whole to be considered at 11½ o'clock A. M. to-morrow.

Alger, from the Joint Committee on Enrollment, reported C. J. R. No. 4 and C. B. No. 27 correctly enrolled.

The Speaker announced that he had signed C. J. R. No. 4 and C. B. No. 27.

C. B. No. 42, an act to authorize the appointment and qualification of deputy clerks of the district courts, was read the third time and passed :

Ayes—Aiken, Alger, Carmichael, Chessman, Coleman, Curtis, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

Nays—None.

Absent—Arnoux and Dean.

The title agreed to.

On motion of Ezekiel, H. B. No. 39 was considered engrossed, read the third time and lost.

Ayes—Coleman, Hartwell, Kennedy, Mallory, Sanders and Tate—6.

Nays—Aiken, Alger, Carmichael, Chessman, Curtis, Dean, Dusold, Ezekiel, Harrington, Heldt, Kerley, Mead, McCauley, O'Keefe, Stafford, Sutton, and Mr. Speaker—17.

H. C. R. No. 1 was read the third time and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton and Mr. Speaker—23.

Nays—Tate—1.

Absent—Emerson.

The title was agreed to.

On motion of Sanders the vote by which H. B. No. 21 was indefinitely postponed was reconsidered and the bill was referred to the Judiciary Committee.

Sanders moved to reconsider the vote by which H. B. No. 24 was lost.

Motion lost by the following vote :

Ayes—Arnoux, Chessman, Coleman, Dean, Hartwell, Kennedy, Mallory, Sanders, and Tate—9.

Nays—Aiken, Alger, Chamichael, Curtis, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kerley, Mead, McCauley, O'Keefe, Stafford, Sutton and Mr. Speaker—16.

On motion of Kerley the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-FIRST DAY.

FEBRUARY 4, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Kerley, chairman of the Committee on Printing, reported H. B. No. 49 correctly printed with unimportant typographical errors.

Mead, from select committee, reported, H. B. No. 1 back to the House with substitute, recommending that it do pass.

Communications were received from His Excellency, the Governor, through Mr. Geo. Callaway, his private secretary, as follows:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Feb. 4, 1874. }

To the House of Representatives:

I have the honor to inform the House of Representatives that I did, on the 31st day of January, A. D. 1874, approve H. B. No. 34, entitled An Act to authorize the county commissioners of Deer Lodge county to appoint a fire warden, and for other purposes.

Also, on the 2d day of February, A. D. 1874, I approved H. B. No. 2, entitled An Act in relation to trade marks and brands.

Respectfully,

B. F. POTTS, *Governor.*

Also, as follows:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Feb. 3, 1874. }

To the Legislative Assembly:

I have the honor to submit, for the information of the Legislature, a report of pardons granted by this department since December 20, 1871, with the reasons therefor:

Ah Wan (Chinaman). Crime: assault with intent to kill. Sentence: one year imprisonment in the penitentiary. Con-

victed at May term, 1871, of the district court of Deer Lodge county. Pardoned April 22, 1872, on the recommendation of W. F. Wheeler (U. S. Marshal), and because of the uniform good conduct of the convict.

James Thompson. Crime: grand larceny. Sentence: confinement in the penitentiary for the period of one year and six months. Convicted at the December term of the district court for Deer Lodge county, 1870. Pardoned April 22, 1872, on the recommendation of Hon. H. Knowles, and W. F. Wheeler (U. S. Marshal), because of the uniform good conduct of the convict.

Thomas Coatsworth. Crime: manslaughter. Sentence: confinement in the penitentiary for the period of two years. Convicted at the November term of the district court for Lewis and Clark county, 1871. Pardoned May 30, 1872, on the recommendation of Hon. D. S. Wade, Hon. J. A. Johnston (District Attorney), W. L. Steele (Sheriff), W. F. Wheeler (U. S. Marshal), and the U. S. Grand Jury, at the April term, 1872, for the second judicial district; also, ten of the jurors that tried Coatsworth, and divers good citizens of Deer Lodge county; and, also, because said Coatsworth is seriously affected with pulmonary consumption, as shown by the certificate of the physician of the penitentiary.

P. J. Finnegan. Crime: petit larceny. Sentence: confinement in the jail of Madison county for the period of two months, by the probate court of said county. Pardoned May 30, 1872, on the personal application of several good citizens of Madison county.

Nathan Ward. Crime: burglary. Sentence: confinement in the penitentiary for the period of one year. Convicted at the June term of the district court, 1871, in Gallatin county. Pardoned June 10, 1872, because of the uniform good conduct of the convict while in prison.

Mai Toi (Chinaman). Crime: murder in the second degree. Sentence: confinement in the penitentiary for the period of ten years. Convicted at the March term of the district court, 1872, of Gallatin county. Pardoned July 12, 1872, on the representation of the physician of the penitentiary and divers

good citizens of said Gallatin county that said convict was laboring under a fatal disease, which was aggravated by reason of confinement. Said convict died of said disease a few days after his release.

Charles Littlefield. Crime: grand larceny. Sentence: confinement in the penitentiary for the period of two years. Convicted at the September term of the district court, 1870, for Deer Lodge county. Pardoned July 12, 1872, on the recommendation of the U. S. Marshal that said convict be allowed thirty days per annum for good behavior while in prison.

William Morgan. Crime: petit larceny. Sentence: confinement in the jail of Madison county for the period of sixty days. Convicted before Mr. Reel, a justice of the peace in and for said Madison county, on the 23d day of July, 1872. Pardoned July 24, 1872, on the recommendation of divers good citizens of said county, because of the extreme youth of the boy and his former good character.

John Morrow. Crime: manslaughter. Sentence: confinement in the penitentiary for the period of two years. Convicted at the July term, 1871, of the district court for Lewis and Clark county. Pardoned August 28, 1872, on the recommendation of the physician of the penitentiary, U. S. Marshal Wheeler, Hon. John E. Blaine, Hon. C. Hedges, J. A. Viall, Esq., and one hundred and twenty-eight good citizens of the Territory, and because of his good conduct while in prison.

M. E. Metcalf. Crime: grand larceny. Sentence: confinement in the penitentiary for the period of three years. Convicted at the July term, 1871, of the district court for Lewis and Clark county. Pardoned December 13, 1872, on the recommendation of James Gilchrist (late warden of the penitentiary), and C. B. Adreance (then warden), because of the good behavior of the convict while in prison.

Charles Peter Groves. Crime: assault with a deadly weapon. Sentence: confinement in the penitentiary for the period of one year. Convicted at the December term, 1872, of the district court for Deer Lodge county. Pardoned May

20, 1873, on the recommendation of the judge and district attorney of the second judicial district, and divers other good citizens of said county, and for uniform good conduct while in prison.

James Reed. Crime: grand larceny. Sentence: confinement in the penitentiary for the period of two years. Convicted at the October term of the district court, 1871, for Gallatin county. Pardoned May 27, 1873, on the recommendation of the warden and one of the directors of the penitentiary, because of the good conduct of the convict and that his wife and child were dependent on his labor for support.

George Clarke. Crime: grand larceny. Sentence: confinement in the penitentiary for the period of one year. Convicted at the October term of the district court, 1872, for Gallatin county. Pardoned June 5, 1873, on the recommendation of the warden and one director of the penitentiary, and John C. Guy, Esq. (sheriff of Gallatin county), and because of the convict's good conduct while in prison.

Henry Deneka. Crime: grand larceny. Sentence: confinement in the penitentiary for the period of three years. Convicted at the July term, 1871, of the district court for Lewis and Clark county. Pardoned August 5, 1873, on the recommendation of the directors and warden of the penitentiary, because of the uniform good conduct of the convict during imprisonment.

Henry Graham. Crime: grand larceny. Sentence: confinement in the penitentiary for the term of one year. Convicted at the November term of the district court, 1872, for Madison county. Pardoned August 20, 1873, because of his youth and his uniform good conduct while in prison, and upon condition that he would leave the territory and go to his parents in the state of California.

Samuel Ayles. Crime: grand larceny. Sentence: confinement in the penitentiary for the term of two years. Convicted at the June term, 1872, of the district court for Lewis and Clark county. Pardoned October 9, 1873, on the recommendation of the directors of the penitentiary.

John W. Tinsley. Crime: manslaughter. Sentence: confinement in the penitentiary for the term of one year. Convicted at the July term, 1873, of the district court for Madison county, Pardoned October 28, 1873, on recommendation of five hundred good citizens of Madison, Jefferson and Gallatin counties, and the district attorney and eight of the jurors that tried the case, and because of failing health caused by imprisonment.

James McLin. Crime: house-breaking and burglary. Sentence: confinement in the penitentiary for the term of five years. Convicted at the November term, 1871, of the district court for Gallatin county. Pardoned December, 10, 1873, on the recommendation of the physician of the penitentiary, and more than one hundred good citizens of the territory, and because of good conduct while in prison.

The convicts who have been pardoned have so conducted themselves (with a single exception) as to prove that executive clemency has been worthily bestowed.

Respectfully,

B. F. POTTS, *Governor*.

That notices were given as follows :

By Coleman: An Act making the probate judges of the several counties ex-officio superintendents of common schools thereof.

Also, An Act to incorporate the town of Bozeman.

On motion of Ezekiel, H. B. No. 49 was made the special order for Thursday, February 5, at 10:30 o'clock A. M. to be considered in Committee of the Whole.

The House then went into Committee of the Whole, to consider H. B. No. 31. Mallory in the chair.

The House resumed. Mr. Speaker in the chair.

The following communication was received from the Council:

COUNCIL CHAMBER, VIRGINIA CITY, }
February 4, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That Cooper has introduced C. B. No. 45, to amend act to govern the penitentiary.

That C. Bs. Nos. 18 and 29, and C. J. M. No. 3, have passed the Council.

Respectfully,
CARPENTER, *Chief Clerk.*

Alger, of the Joint Committee on enrollment, reported C. B. No. 12 correctly enrolled.

Mr. Speaker announced that he had signed C. B. No. 12.

On motion of Ezekiel, H. B. No. 25, the special order for 11:30 o'clock A. M. was postponed to 3 o'clock this P. M.

On motion of Ezekiel, the House took a recess until 2 o'clock this P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called — quorum present.

On motion of Ezekiel, the substitute reported for H. B. No. 1 was adopted.

On motion, the bill was considered engrossed, read the third time, and passed:

Ayes — Aiken, Alger, Brown, Carmichael, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt,

Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate, and Mr. Speaker—23.

Noes—None.

Absent—Arnoux and Coleman.

Title agreed to.

C. J. R. No. 2 read first and second times, and referred to the Committee on Finance.

C. J. M. No. 3 read first and second times.

On motion of O'Keefe, the rules were suspended, the memorial read the third time and passed:

Ayes—Alger, Arnoux, Brown, Carmichael, Curtis, Dean, Dusold, Ezekiel, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—20.

Nays—None.

Absent—Aiken, Coleman, Emerson, Hartwell and Kerley.

The title was agreed to.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 30 correctly engrossed.

H. B. No. 30, an act to amend section 44, chapter 85, of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, approved January 12, 1872, read third time and passed:

Ayes—Brown, Coleman, Curtis, Dean, Dusold, Ezekiel, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—18.

Nays—Arnoux, Carmichael and Harrington—3.

Absent—Aiken, Alger, Emerson and Hartwell.

The title was agreed to.

Mallory reported as follows :

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 31, have had the same under consideration, and have instructed their chairman to report the same back to the House with the recommendation that it do not pass.

MALLORY, *Chairman.*

Report adopted.

Alger, of the Joint Committee on Enrollment, reported C. B. No. 42 correctly enrolled.

C. B. No. 18, an act to amend An Act to provide for the collection of the revenue, read first and second times and referred to Committee on Finance.

C. B. No. 29, An Act to facilitate the administration of justice, read first and second times and referred to Committee on Judiciary.

H. B. No. 31, An Act to provide for the posecution of criminals, etc. On motion, rules suspended, considered engrossed, read third time and lost :

Ayes—Coleman and Hartwell—2.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Mr. Emerson, chairman of the Committee on Ways and Means, reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. J. R. No. 3, have had the same under consideration and beg leave to report the same back to the House, with the recommendation that it do pass.

EMERSON, *Chairman.*

The clerk was instructed to insert "or assigns" in resolution No. 3, in line 7.

The resolution was then ordered engrossed for a third reading.

Brown reported as follows :

MR. SPEAKER—Your Committee on Mines and Minerals, to whom was referred H. B. No. 36—a bill for An Act to promote the mining resources of Montana Territory—have had the same under consideration and refer the same back to the House, with the recommendation that it do pass.

J. A. BROWN, *Chairman*.

Dean reported as follows :

MR. SPEAKER—Your Committee on Roads and Highways, to whom was referred C. B. No. 22, having had the same under due consideration, beg leave to return the same back to the House, with the recommendation that it do pass.

ISAAC DEAN, *Chairman*.

H. B. No. 36, on motion, was considered engrossed and put upon its final passage.

On motion of Kerley, the vote by which H. B. No. 36 was considered engrossed was reconsidered.

On motion of Kerley, the bill was ordered printed.

On motion of Sanders, C. B. No. 22 was made the special order to be considered in Committee of the Whole, at 10:30 o'clock A. M. on Saturday, February 7, 1874.

Kerley reported H. B. No. 40 correctly printed.

The following communication was received from the Council :

COUNCIL CHAMBER, VIRGINIA CITY, }
February 4, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That Maillet has given notice of a bill to authorize the territorial auditor and treasurer to publish yearly reports.

The following bills have been introduced:

By Yager: C. B. No. 46, to provide for and regulate the rates of charges for the publication of legal documents.

By Beattie: C. B. No. 47, to amend chapter 50 of the general laws.

By Dance: C. B. No. 48, to dissolve the bonds of matrimony between M. W. Touhey and James W. Touhey.

Respectfully,

CARPENTER, *Chief Clerk.*

On motion of Kerley, the House went into Committee of the Whole to consider H. B. No. 40.

Kerley in the chair.

The House resumed. Mr. Speaker in the chair.

On motion of Mallory, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-SECOND DAY.

FEBRUARY 5, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Curtis and Emerson were granted leave of absence.

A petition was presented to the House from citizens of Gallatin county protesting against a charter for the town of Bozeman. Referred to the Committee on Towns and Counties.

Sanders, chairman of the Committee on Education and Labor, reported as follows :

MR. SPEAKER—Your Committee on Education and Labor, to which was referred so much of the message of His Excellency the Governor as relates to the observance of the first day of the week as a day of rest, and a law enforcing the same, and also divers petitions from various citizens of the Territory praying the enactment of such a law, have had the same under consideration, and with considerate regard to the exceptional condition of the Territory and its industries, beg leave to report the accompanying bill for An Act to provide for the observance of the first day of the week as a day of rest, and recommend that it do pass.

W. F. SANDERS, *Chairman*.

Ezekiel reported as follows :

MR. SPEAKER—Your Committee on Federal Relations, to whom was referred C. J. M. No. 2, in relation to the protection of the Yellowstone Valley, and of communication with the town of Bismarek, in Dakota, having had the same under consideration, beg leave to report the same back to the House with the recommendation that it do pass.

EZEKIEL, *Chairman.*

Report received.

Carmichael reported as follows :

MR. SPEAKER—Your Committee on Agriculture and Manufactures, to whom was referred H. B. No. 43, An Act to define a lawful fence, after having had the same under consideration, report the same back to the House with amendments, and recommend that it do pass as amended.

Amend by striking out sections 1, 2 and 3; strike out the word "four," in line 6 of sec. 4, and insert "two and one-half" in lieu thereof; also the word "butt" in line 7, and insert "small end" in lieu thereof; also, strike out sec. 5, make sec. 4 sec. 1, and sec. 6 sec. 2.

A. CARMICHAEL, *Chairman.*

Alger, chairman of the Committee on Judiciary, reported H. B. No. 46 back to the House with a substitute, recommending that it do pass.

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 48 and H. J. R. No. 3 correctly engrossed.

Mead, chairman of the Committee on Elections, reported C. B. No. 39 back to the House with the recommendation that it do pass.

Carmichael moved that the vote by which H. B. No. 49 was made a special order be reconsidered, and that it be referred to a select committee of one member from each county with instructions to report the same back by 10:30 A. M. on tomorrow.

A call of the House was ordered.

Chessman absent.

On motion of Alger, a further call of the House was dispensed with.

Carmichael's motion was put to a vote and lost.

The House then went into Committee of the Whole to consider H. B. No. 49, Ezekiel in the chair.

The House resumed. Mr. Speaker in the chair.

On motion of Hartwell, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Kerley reported as follows:

MR. SPEAKER—Your Committee of the Whole having had under consideration House Bill No. 40, instructed me to report the same back to the House without recommendation, with the following amendments:

Strike out in printed bill the word "six" in line 3 and insert the word "ten" in lieu thereof; and in the same section, line 5, strike out all after the word "consideration" and before the word "and."

Strike out all in section 4, line 3, inclosed in brackets, and the word "elections" wherever it occurs.

Strike out section 6.

Make section 7 section 6, and in line 4 of same section insert the words "failure of the" after the word "the" and before the word "district."

Make section 8 section 7.

Make section 9 section 8.

Make section 10 section 9, and strike out the word "thirty" and insert the word "ninety" in lieu thereof.

Strike out sections 11 and 12.

Make section 13 section 10.

Strike out all of section 14 except in line 2 beginning with the word "All" and ending with the word "reside."

Strike out sections 15, 16, 17, 18 and 19.

Report received.

On motion of Tate, the bill was referred to a select committee of five, consisting of Tate, Hartwell O'Keefe, Mead and Carmichael. Said committee to report at 10:50 o'clock A. M. on Friday, February 6th.

Ezekiel, from the Committee of the Whole, reported as follows:

MR. SPEAKER — Your Committee of the Whole House, to which was referred H. B. No. 49, beg leave to report progress and ask to sit again.

EZEKIEL, *Chairman.*

Report adopted.

On motion of Carmichael, the House went into Committee of the Whole to consider H. B. No. 49, Mr. Carmichael in the chair.

The House resumed. Mr. Speaker in the chair.

Alger, chairman of the Joint Committee on Enrollment, reported C. J. R. No. 3 correctly enrolled.

Mr. Speaker announced that he had signed C. J. R. No. 3.

On motion of Brown, the House took a recess until 7 o'clock P. M.

7 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Mr. Carmichael, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House, to whom was referred H. B. No. 49, have instructed their chairman to report progress and ask leave to sit again at 7 o'clock this P. M., to further consider the same.

A. CARMICHAEL, *Chairman.*

Report adopted.

The House then went into Committee of the Whole to consider H. B. No. 49, Carmichael in the chair.

The House resumed. Mr. Speaker in the chair.

On motion, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-THIRD DAY.

FEBRUARY 6, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Coleman presented petitions from the citizens of Gallatin county.

The clerk was instructed to transmit said petitions to the Council immediately.

Kerley, chairman of the Committee on Printing, reported H. B. No. 36 correctly printed.

McCauley, chairman of the Committee on Public Lands, reported H. J. M. No. 3 back to the House, recommending it do pass.

Kerley, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—Your Committee of the Whole House, having had H. B. No. 25 under consideration, instructed me to report the same back to the House with the accompanying amendment, and recommend that in do pass :

Strike out all of section 1 and insert the accompanying substitute.

Strike out the words District Judge and District Attorney wherever they occur, and insert Board of Prison Directors, in lieu thereof.

KERLEY, *Chairman*.

Arnoux, chairman of the Committee of Towns and Counties, reported :

MR. SPEAKER—Your committee to whom was referred H. B. No. 47, having had the same under consideration, recommend that it do pass.

Respectfully,

ARNOUX, *Chairman*.

Report received.

Also :

MR. SPEAKER—Your special committee, to whom was referred H. B. No. 13, having had the same under their consideration, report the same back with the accompanying substitute, with the recommendation that it do pass.

Respectfully,

ARNOUX, *Chairman*.

Also :

MR. SPEAKER—Your committee to whom was referred the petition to change the boundaries of Jefferson, Madison and Deer Lodge counties, respectfully refer the same back to the House without recommendation.

Respectfully,

ARNOUX, *Chairman*.

Report received.

Also :

MR. SPEAKER—Your committee to whom was referred H. B. No. 8, having had the same under consideration, respect-

fully refer the same back to the House without recommendation.

Respectfully,

ARNOUX, *Chairman.*

Report received.

Also :

MR. SPEAKER—Your committee to whom was referred C. B. No. 23, having had the same under consideration, recommend that it do not pass.

Respectfully,

ARNOUX, *Chairman.*

Report received.

Sutton reported :

MR. SPEAKER—Your Committee on Finance, to whom was referred C. J. R. No. 2, for paying Jas. H. Mills for printing the annual report of the officers of the Montana Penitentiary, beg leave to return the same to the House, recommending that it do pass.

Respectfully,

SUTTON, *Chairman.*

Report received.

Also :

MR. SPEAKER—Your Committee on Finance, to whom was referred C. J. R. No. 1, to pay storage on arsenal supplies, have had the same under consideration, and from information considered reliable, beg leave to return the same to the House and recommend that no moneys therein asked for be so appropriated.

Respectfully,

SUTTON, *Chairman.*

Report received.

Also :

MR. SPEAKER—Your Committee on Finance, to whom was referred H. J. R. No. 4, for the payment of G. F. Cope the sum of three hundred dollars for printing a record of stock brands and marks, beg leave to return the same to the House with the following amendments, and recommend their adoption, and the passage of the resolution.

SUTTON, *Chairman.*

Amend H. J. R. No. 4, by striking out the words, three hundred, where they occur, and insert the words two hundred and fifty, in lieu thereof.

SUTTON, *Chairman.*

Report received.

Also :

MR. SPEAKER—Your Committee on Finance, to whom C. B. No. 18 was referred, beg leave to return the same, with amendments, to the House, and recommend their adoption, and that the bill do pass.

SUTTON, *Chairman.*

Report received.

Notices were given as follows :

By Heldt : A bill in relation to toll roads.

By Ezekiel : A bill for an act to amend section 14 of an act concerning licenses, approved Jan. 10th, 1872.

On motion of Sanders the following resolution was adopted :

Resolved, That the various committees having in their possession bills, and which they were instructed to report this morning, have until Monday morning, Feb. 9th, to make report thereon.

SANDERS.

On motion of Sanders C. B. No. 18 was amended as follows :

Add to section 1: And in any county where the levy for the current year has been made, the county commissioners of such county shall, at their next meeting, proceed to levy such taxes as they are herein authorized to levy, unless they, at their January meeting, have levied the same.

Sanders introduced H. B. No. 50, an act to provide for the observance of the first day of the week as a day of rest. Read first and second times, rules suspended, read third time and lost.

Ayes—Alger, Arnoux, Carmichael, Hartwell, Heldt, Kerley, Mallory, Mead, McCauley, Sanders, Tate and Mr. Speaker—12.

Nays—Aiken, Brown, Coleman, Curtis, Dean, Dusold, Ezekiel, Harrington, Kennedy, O'Keefe, Stafford and Sutton—12.

Bills were introduced as follows :

By Ezekiel : H. B. No. 51, an act to provide compensation to the United States Marshal of this Territory, for performing certain duties. Read first and second times, rules suspended, considered engrossed, read third time and passed :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Dusold, Ezekiel, Hartwell, Heldt, Mallory, Mead, O'Keefe, Sanders, Stafford, and Mr. Speaker—15.

Nays—Coleman, Curtis, Dean, Harrington, Kennedy, Kerley, McCauley, Sutton, and Tate—9.

Title agreed to.

By Tate : H. B. No. 52, an act to regulate the fees of county commissioners. Read first and second times, rules suspended, considered engrossed, read third time and passed :

Ayes—Aiken, Alger, Arnoux, Carmichael, Coleman, Dean,

Dean, Dusold, Hartwell, Heldt, Kennedy, Mallory, Mead, O'Keefe, Sanders, and Tate—15.

Nays—Brown, Curtis, Emerson, Ezekiel, Harrington, Kerley, McCauley, Stafford, Sutton, and Mr. Speaker—10.

Title agreed to.

By Coleman : H. B. No. 53, an act making the Probate Judges of the several counties ex-officio county superintendents of common schools thereof. Read first time.

Alger moved to reject. Lost.

Read second time.

On motion of Sanders the following amendment was adopted :

Add after words "hereinafter elected," in line 1, section 2, "or the present Probate Judges, if, during their present term, the term of the county superintendent of common schools shall expire.

And the bill, as amended, was referred to the Committee on Judiciary.

H. B. No. 25 was ordered engrossed.

Arnoux introduced H. B. No. 54, an act to promote education in Montana Territory. Read first time, and motion to reject lost. Read second time and referred to Committee on Education and Labor.

By Kerley : H. B. No. 55, an act to amend an act in relation to marks and brands. Read first and second times and referred to the Committee on Agriculture and Manufactures.

By Ezekiel : H. J. R. No. 5, authorizing the superintendent

of public instruction to purchase "Wonderland." Read first and second times and, on motion of Sanders, was laid on the table for further consideration.

Curtis introduced H. J. R. No. 6, to pay E. A. Driggs. Read first time, and, on motion of Carmichael, was rejected by the following vote :

Ayes—Aiken, Alger, Brown, Carmichael, Coleman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kerley, Malory, Sanders, Tate and Mr. Speaker—16.

Noes—Arnoux, Curtis, Ezekiel, Kennedy, Mead, O'Keefe, Stafford, and Sutton—8.

The following message was received from the Council :

COUNCIL CHAMBER, }
February 6, 1874. }

MR. SPEAKER—I am instructed to inform your honorable body that H. B. No. 23 has passed the Council with amendments ; that H. B. No. 1 has passed the Council.

That Dance has given notice of a bill to amend an act to govern Territorial Penitentiary.

Respectfully,
CARPENTER, *Chief Clerk.*

On motion the House took a recess until 2 o'clock p. m.

2 o'clock p. m.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

H. J. R. No. 3 was read the third time and put upon its final passage.

Aiken moved a call of the House.

Roll called—Alger, Dean, Heldt and Kerley, absent.

On motion of Brown, the further call of the House was dispensed with.

H. J. R. No. 3 was read the third time for information, and lost by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Curtis, Ezekiel, Kerley, Mead, McCauley, O'Keefe, and Mr. Speaker—11.

Nays—Carmichael, Coleman, Dean, Dusold, Hartwell, Harrington, Heldt, Kennedy, Mallory, Sanders, Stafford, Sutton, and Tate—13.

Carmichael, chairman of the Committee of the Whole, to whom was referred H. B. No. 49, after having the same under consideration, have instructed me to report the same back to the House with the accompanying amendments, and recommend that the bill do pass as amended.

CARMICHAEL, *Chairman*.

Report adopted.

Amendments adopted and the bill adopted as amended, and ordered engrossed for a third reading.

On motion of Mead the Engrossment Committee was instructed to examine and report H. B. No. 49 as soon as they can examine the same.

Substitute for H. B. No. 46, an act in relation to official bonds, was adopted.

On motion the rules were suspended, the bill considered engrossed, and put upon its third reading.

On motion of Sanders, the vote by which the rules were suspended and H. B. No. 46 considered engrossed and put upon its third reading, was reconsidered.

The bill was then recommitted to the Judiciary Committee.

H. B. No. 48, an act for the support and maintenance of illegitimate children, was read the third time and passed :

Ayes—Aiken, Arnoux, Brown, Carmichael, Coleman, Curtis, Dean, Dusold, Ezekiel, Hartwell, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Sutton, Tate, and Mr. Speaker—20.

Nays—Harrington, O'Keefe, and Stafford—3.

Title agreed to.

H. B. No. 23 : the House disagree to Council amendments, and on motion of Sanders, a conference committee of three, to confer with a like committee from the Council, was appointed, consisting of Sanders, Stafford and Kerley.

C. B. No. 39, an act to amend sections 32 and 33 of chapter 23, of the general laws, was read the third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Coleman, Curtis, Dusold, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, Sanders, Stafford, Tate and Mr. Speaker—20.

Nays—Dean, Kerley, O'Keefe, and Sutton—4.

Title agreed to.

The following message was received from the Council, through Carpenter, their chief clerk :

COUNCIL CHAMBER, VIRGINIA CITY, }
February 6, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That C. B. No. 4, relating to brands and marks, and C. C. R. No. 5, in relation to printing, have passed the Council.

That H. B. No. 37 has passed the Council with amendments.

That Davis has introduced C. B. No. 49, to amend an act entitled an act to establish fees of district attorneys, &c.

That Newcomer has introduced C. C. R. No. 6, to pay for printing.

That C. B. No. 21, to authorize county commissioners of Deer Lodge county to audit certain claims; also, C. B. No. 44 to provide for the instruction of deaf mutes and blind children, have passed the Council.

I am further specially instructed to inform your honorable body, that an amendment to H. B. No. 15, capital bill, substituting the words "Deer Lodge city, in Deer Lodge county," for the words, "Helena, in Lewis and Clark county," wherever they occur in the bill, and that the amendment has been ordered engrossed, and the chief clerk has been directed to immediately convey this intelligence to your honorable body for your information.

Respectfully,

CARPENTER, *Chief Clerk.*

C. J. M. No. 2, was read the third time and passed:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Coleman, Dean, Dusold Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—Curtis.

Title agreed to.

On motion of Sanders H. B. No. 13 was recommitted to the select committee.

The report of the committee on H. B. No. 43 was adopted, amended, and ordered engrossed as amended.

H. B. No. 47, an act authorizing the several counties to change their county seats, was read the third time for information.

A call of the House was ordered.

On motion of Sanders a further call of the House was dispensed with.

H. B. No. 47 was then read the third time and passed :

Ayes—Aiken, Arnoux, Brown, Carmichael, Dean, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Kennedy, Kerley, Mallory, Sanders and Tate—15.

Nays—Alger, Coleman, Curtis, Harrington, Mead, McCauley, O'Keefe, Stafford, Sutton and Mr. Speaker—10.

Title agreed to.

Kennedy gave notice of the introduction of a J. M. asking Congress to allow the lands of the Bitter Root Valley to be settled under the homestead and pre-emption laws of the United States.

Sanders reported as follows upon H. B. No. 54 :

MR. SPEAKER—Your Committee on Education and Labor, to which was referred H. B. No. 54, a bill to promote education in the Territory of Montana, have had the same under consideration, and report the same back with the recommendation that it be amended as follows :

Strike out the word "September," where it occurs in the fourth line of section 2, and insert "October," in lieu thereof; also, strike out the words "county superintendent of public instruction," where they occur in 9th and 10th lines of same section, and inserting the words, "district clerk," in lieu thereof, and that as so amended, the bill do pass.

W. F. SANDERS, *Chairman*.

Report adopted.

On motion of Sanders the amendments reported by the committee were adopted.

The bill was then adopted as amended, and ordered engrossed for a third reading.

Harrington, chairman of the Committee on Territorial Affairs, reported H. B. No. 44 back to the House and recommend that it do not pass.

Alger, from the Joint Committee on Enrollment, reported H. B. No. 1 correctly enrolled.

Carmichael moved that the House take a recess until 7 o'clock p. m. Motion lost.

Dean moved to adjourn, upon which the ayes and nays were called.

Ayes—Alger, Arnoux, Curtis, Dean, Harrington, Heldt, Kerley, Mallory, Sutton, and Tate—10.

Nays—Aiken, Brown, Carmichael, Coleman, Dusold, Emerson, Ezekiel, Hartwell, Kennedy, Mead, McCauley, O'Keefe, Sanders, Stafford, and Mr. Speaker—15.

Sanders moved that the House take a recess to 7 o'clock p. m., upon which the ayes and nays were called :

Ayes—Aiken, Carmichael, Coleman, Emerson, Ezekiel, Hartwell, Kennedy, Mead, McCauley, Sanders, and Stafford—11.

Nays—Alger, Arnoux, Brown, Curtis, Dean, Dusold, Harrington, Heldt, Kerley, Mallory, O'Keefe, Sutton, Tate and Mr. Speaker—14.

On motion of Curtis, the House adjourned by the following vote :

Ayes—Alger, Arnoux, Curtis, Dean, Dusold, Emerson, Harrington, Heldt, Kerley, Mallory, O'Keefe, Sutton, Tate and Mr. Speaker—15.

Nays—Aiken, Brown, Carmichael, Coleman, Hartwell, Kennedy, Mead, McCauley, Sanders and Stafford—10.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-FOURTH DAY.

FEBRUARY 7, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Coleman presented a petition from the citizens of Gallatin. Referred to a select committee consisting of the Gallatin county delegation.

Alger reported as follows :

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 46, a bill for An Act in relation to official bonds, have had the same under consideration, and beg leave to report the same back with the accompanying substitute, and recommend it do pass.

JOS. M. ALGER, *Chairman.*

Carmichael gave notice of a bill for An Act to encourage manufactories in the Territory of Montana.

C. B. No. 22, the special order for 10:30 o'clock this A. M., was taken up, and the House went into Committee of the whole to consider the same, Sanders in the chair.

The House resumed. Mr. Speaker in the chair.

The following message was received from the Council :

COUNCIL CHAMBER, }
February 7, 1874. }

MR. SPEAKER—I am instructed to inform your honorable body that H. B. No. 37 has passed the Council with amendments.

Respectfully,

CARPENTER, *Chief Clerk.*

Bills were introduced as follows :

By Heldt: H. B. No. 56, An Act in relation to toll roads and bridges. Read first and second times, and referred to Committee on Judiciary.

By Ezekiel: H. B. No. 57, An Act to amend section 14 of an act concerning license, approved Jan. 10, 1872. Read first

and second times, and referred to the Committee on Ways and Means.

By Sanders: H. B. No. 58, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana. Read first and second times, and referred to the Committee on Territorial Affairs.

By Coleman: H. B. No. 59, An Act entitled An Act to authorize the County Commissioners of Gallatin county to levy a special tax to build a bridge across the West Gallatin. Read first and second times, and referred to Gallatin county delegation.

By Coleman: H. B. No. 60, An Act to protect the town of Bozeman against fire. Read first and second times and engrossed.

By Stafford: H. J. R. No. 7, To pay S. R. Shankland. Read first and second times, and referred to the Finance Committee.

Sanders, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House have had under consideration C. B. No. 22, and recommend that section 20 be amended by inserting after the word "work" in second line, the words "in each year," and that as so amended the bill do pass.

W. F. SANDERS, *Chairman*.

On motion of Stafford, the report was adopted.

Amendment adopted.

Heldt, from the Joint Committee on Engrossment, reported H. B. No. 49 correctly engrossed.

H. B. No. 37 was taken up, and the House disagree to the Council amendments, and ask the Council to recede.

Alger reported as follows:

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. B. No. 1 handed to the Governor at 11:30 this A. M. for his approval.

Respectfully,

JOS. M. ALGER, *Chairman.*

Emerson, chairman of the Committee on Ways and Means, introduced H. B. No. 61, An Act to repeal section 25 of an act concerning license, approved May 8th, 1873. Read first and second times, rules suspended, considered engrossed, read third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Dean, Emerson, Hartwell, Heldt, Kennedy, Mallory, Mead, O'Keefe, Sanders—14.

Nays—Coleman, Ezekiel, Harrington, Kerley, McCauley, Stafford, Sutton, Tate and Mr. Speaker—9.

Title agreed to.

On motion of Brown, H. B. No. 36 was taken up and the following amendment adopted:

Add section 9. "This act shall take effect and be in force on and after the first day of March, 1874."

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 8 correctly engrossed.

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk:

That H. B. No. 15 had passed the Council with amendments.

Respectfully,

CARPENTER, *Chief Clerk.*

Tate moved to take a recess till 2 o'clock P. M. Motion lost.

H. B. No. 8 was taken up, read the third time and lost.

Ayes—Brown, Carmichael, Heldt and Stafford—4.

Nays—Aiken, Alger, Arnoux, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton, Tate and Mr. Speaker—22.

H. B. 36: An Act to promote the mining resources of Montana, was on motion considered engrossed, read the third time and lost.

Ayes—Alger, Arnoux, Brown, Carmichael, Dean, Harrington, Kennedy, Kerley, Mallory, Mead, O'Keefe and Sutton—12.

Nays—Aiken, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Hartwell, Heldt, McCauley, Sanders, Stafford, Tate and Mr. Speaker—14.

Sanders gave notice that he would, on Monday, move to reconsider the vote by which H. B. No. 36 was lost.

Ezekiel moved to reconsider the vote by which H. B. No. 36 was lost now.

Coleman moved to lay that motion on the table. Motion lost.

The motion to reconsider now was carried.

On motion of Ezekiel, the vote by which H. B. No. 36 was lost was reconsidered.

On motion of Sanders, H. B. No. 36 was made the special order for 11 o'clock Monday, February 9th, to be considered in Committee of the Whole.

Dean moved to take a recess till 2 o'clock p. m. Motion lost.

Sanders moved to suspend the rules and take up H. B. No. 15. Motion lost.

H. B. No. 49, An Act to enable the people of the Territory of Montana to aid in the construction of a railroad, was read the third time.

Arnoux offered the following:

MR. SPEAKER—I move that H. B. 49 be recommitted to a select committee of three with instructions to amend the same so that the \$5,000 per mile shall be paid by the Territory only to the Territorial line, and that for the distance required to be built within the Territory the counties of Madison and Beaver Head loan the \$5,000 per mile in proportion of \$3,000 to Beaver Head and \$2,000 per mile to Madison in that particular sum the one and a half million dollars loan of the Territory.

Ezekiel moved the previous question. Motion lost.

The motion to recommit was lost.

H. B. No. 49 was read the third time and lost.

Ayes—Brown, Carmichael, Coleman, Dusold, Emerson, Ezekiel, Hartwell, Mead, McCauley, Sanders and Stafford—11.

Nays—Aiken, Alger, Arnoux, Chessman, Curtis, Dean, Harrington, Heldt, Kennedy, Kerley, Mallory, O'Keefe, Sutton, Tate and Mr. Speaker—15.

McCauley moved to take a recess to 2 o'clock p. m.

On motion of Mead, H. B. No. 40 was made the special order for 2:30 o'clock p. m., to be considered in Committee of the Whole.

H. B. No. 15 was taken up.

Ezekiel moved to concur in Council amendments.

Sanders moved to amend the motion of Ezekiel, that the House disagree to the Council amendments, and ask the Council to recede.

Upon which motion the ayes and nays were called.

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Dean, Dusold, Emerson, Hartwell, Heldt, Kennedy, Kerley, McCauley, O'Keefe, Sanders, Sutton and Mr. Speaker—17.

Nays—Carmichael, Coleman, Curtis, Ezekiel, Harrington, Mallory, Mead, Stafford and Tate—9.

On motion of Alger, the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Notices were given as follows:

By Alger: Of a bill to reimburse Samuel T. Hauser, Wilber F. Sanders, Charles L. Dalher, P. J. Largie, Samuel Wood, and sundry citizens of Madison county, for moneys expended in trying to procure a railroad, and for money spent in engrossing railroad bills at present session, etc., etc.

By Sutton: A bill for An Act to dispose of certain surplus funds in the Territorial Treasury.

The following communication was received from the Governor, through Mr. George Callaway, his Private Secretary:

TERRITORY OF MONTANA, EX. DEP., }
 VIRGINIA CITY, Feb. 7, 1874. }

To the House of Representatives:

I have the honor to inform the House of Representatives that I did on the 7th day of February A. D. 1874, approve H. B. No. 1, entitled An Act to attach to the counties of Madison and Beaver Head that portion of the public domain described in the act of Congress approved February 17, 1873, entitled An Act to readjust the western boundary of Dakota Territory.

Respectfully,

B. F. POTTS, *Governor.*

Coleman introduced H. B. No. 62: An Act to incorporate the town of Bozeman. Read first and second times and referred to the Committee on Towns and Counties.

On motion of Mr. Arnoux, H. B. No. 44, An Act to regulate stage fare, was indefinitely postponed.

H. B. No. 46, An Act in relation to official bonds, was taken up and a substitute adopted. Read the third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—24.

Nays—None.

Absent—Chessman and McCauley—2.

The title was amended and agreed to.

Heldt, chairman of the Committee on Engrossment, reported H. Bs. Nos. 43 and 54 correctly engrossed.

H. B. No. 43 was taken up, and Kennedy offered the following amendment:

That such structures as shall be used for a fence to inclose lands shall be as follows: A rail or worm fence shall consist

of at least six rails, said rails to be secured by stakes at the end of each panel, well set in the ground, with a rider upon said stakes. A board fence shall consist of not less than three boards, of at least five inches in width and one inch thick; said boards to be well secured to posts; said posts to be not more than eight feet apart. A rail and post fence shall consist of at least three rails, well secured at each end to posts; said posts to be not more than ten feet apart. A pole and post fence shall consist of not less than four poles, to be well secured to posts; said posts to be not more than sixteen feet apart.

Sec. 2. The fences described in the preceding section shall be at least four and one-half feet in height, and in the construction of said fences, the spaces between the boards, rails, and poles herein provided for shall not exceed one foot each, measuring from the top. This provision shall only apply to Missoula county.

Which amendment was lost.

O'Keefe offered the following amendment, which was lost:

Add the following section:

Sec. —. That all rail or pole fences in Missoula county shall not be less than seven rails high, with stake and rider; that all board fences shall not be less than five feet in height, and that the lower board shall not be more than four inches from the ground, and there shall not be more than six inches space between any other two boards in said fence.

A communication was received from the Council, through Carpenter, their Chief Clerk:

That C. B. No. 45, C. B. No. 50, C. J. R. No. 1, and H. B. No. 30 had passed the Council.

That the Council recede from their amendments to H. B. No. 15.

Carmichael moved that the consideration of H. B. No. 40, the special order for 2:30 this P. M., be postponed until 3 o'clock this P. M.

H. B. No. 43, An Act defining a lawful fence, was read the third time and passed.

Ayes—Aiken, Arnoux, Brown, Chamichael, Curtis, Dusold, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mead, McCauley, Stafford, Sutton and Mr. Speaker—17.

Nays—Coleman, Dean, Emerson, Mallory, O'Keefe, Sanders, and Tate—7.

Title agreed to.

Sutton reported as follows :

MR. SPEAKER—Your Committee on Finance, to whom was referred H. J. R. No. 7, for the paying to J. R. Shankland the sum of one hundred dollars for services as Assistant Clerk of the House of Representatives at the extraordinary session held at Virginia City, M. T., in the year 1873, beg leave to report the same back, recommending that it do pass.

SUTTON, *Chairman*.

Coleman offered the following amendment to H. J. M. No. 3, which was lost :

Amend by striking out all of the memorial between the word "region," in line 23 of page 3, and the words "your memorialist" in line 1, on page 5.

Also, Strike out the words "or by railroad legislation," where the same are written between four and five of page 5, as an introduction to line 5 of such page.

The Memorial was then ordered engrossed.

The House then went into Committee of the Whole, to consider H. B. No. 40. Sanders in the chair.

The House resumed. Mr. Speaker in the chair.

The following communication was received from the Council, through Carpenter, their Chief Clerk :

That H. B. 41 had passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

H. B. No. 54, An Act to promote education in the Territory of Montana, was read the third time and passed.

Ayes—Aiken, Alger, Arnoux, Carmichael, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kerley, Mallory, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—20.

Nays—Brown, Coleman, Kennedy, Mead and McCauley—5.

The title agreed to.

H. J. R. No. 4, amendment recommended adopted, and ordered engrossed as amended.

Sanders reported as follows :

MR. SPEAKER — Your Committee of the Whole House have had under consideration the substitute for H. B. No. 40, a bill for An Act concerning the management of live stock, and the better protection of the interests of stock-growers in the Territory of Montana, and have instructed the chairman to recommend that section 2 be amended by striking out the word "as" where it occurs in line 5 and inserting the word "and" in lieu thereof; also, by inserting the words "failure of the" after the first word "the," in line 4 of section 6; also, by striking out the word "at," being first word in section 4; also, by inserting the word "if" after word "and," in line 10 in section 11, and that as so amended the bill do pass.

W. F. SANDERS, *Chairman.*

The following message was received from the Council, through Carpenter, their chief clerk :

That Maillet has given notice of a bill relating to killing game and catching fish.

That bills were introduced by Joint Committee :

C. B. No. 50 : To amend the criminal practice act.

By Dance : C. B. No. 51, to amend an act governing the Penitentiary.

Also, C. B. No 52 : To provide for the relief of the several counties.

By Maillet : C. B. 53, defining the duties of Territorial Auditor.

Alger, from the Joint Committee on Enrollment, reported C. J. M. No. 2 and C. B. No. 39 correctly enrolled.

The Speaker announced that he had signed C. J. M. No. 2 and C. B. No. 39.

Amendment to C. B. No. 18 was adopted and the amendment ordered engrossed.

On motion of Sanders the House accepted the printed copy of C. B. No. 33 as the engrossed bill.

O'Keefe moved to adjourn.

Coleman moved to amend to take a recess until 7 P. M. Amendment lost.

Motion to adjourn lost.

Sanders moved a call of the House.

Chessman and Hartwell absent.

On motion of Sanders a further call of the House was dispensed with.

C. B. No. 33, An Act to provide a system of common schools, was taken up and the rules suspended and the bill read first and second times by title.

On motion of Sanders, the bill was made the special order for 7:30 o'clock P. M., to be considered in Committee of the Whole.

On motion of Stafford, the House took a recess until 7 o'clock P. M.

7 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

C. B. No. 18 taken up.

A call of the House was ordered.

Roll called.

On motion of Sanders, a further call of the House was dispensed with.

C. B. No. 18, An Act to provide for the collection of revenue, was read the third time and passed.

Ayes—Alger, Arnoux, Brown, Carmichael, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, McCauley, Sanders, Stafford, Sutton and Tate—15.

Nays—Coleman, Heldt, Kennedy, Mead, O'Keefe, and Mr. Speaker—6.

The title was agreed to.

C. J. R. No. 1: To pay for storage, etc.

On motion of Dusold, the resolution was indefinitely postponed.

Alger, from the Joint Committee on Enrollment, reported H. Bs. Nos. 15 and 41 correctly enrolled.

Mr. Speaker announced that he had signed H. Bs. Nos. 15 and 41.

The House went into Committee of the Whole to consider C. B. No. 33, An Act to provide a system of common schools, Sanders in the chair.

The House resumed. Mr. Speaker in the chair.

C. B. No. 23: An Act to amend section 94, chapter 21, of an act entitled An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory. Read third time and passed.

Ayes—Carmichael, Coleman, Curtis, Dusold, Emerson, Kennedy, Sanders, Stafford, Sutton and Tate—10.

Nays—Brown, Dean, Ezekiel, Harrington, Heldt, Mead, McCauley, O'Keefe and Mr. Speaker—9.

Title agreed to.

Carmichael gave notice of a bill for An Act in relation to the taxation of jury fees.

Mead introduced H. B. N. 63: An Act in relation to joint debtors. Read first and second times, and referred to Committee on Judiciary.

Kennedy introduced H. J. M. No 4. Read first and second times, and ordered engrossed.

Sanders reported as follows :

MR. SPEAKER—Your Committee of the Whole House have had under consideration C. B. No. 33, entitled An Act to provide for a system of common schools, and have instructed me to report the same back to the House with their recommendation that it be indefinitely postponed.

W. F. SANDERS, *Chairman*.

Report adopted.

Alger reported as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. Bs. Nos. 15 and 41 handed to the Governor at 7:40 this p. m. for his approval.

Respectfully,

JOS. M. ALGER.

Coleman moved to indefinitely postpone C. B. No. 33.

Alger moved to amend by referring C. B. No. 33 to the Committee of the Whole, and making it the special order for 10:30 o'clock A. M. on Monday, February 9th, 1874.

A call of the House was ordered.

Roll called.

On motion of Sanders, a further call of the House was dispensed with.

Alger's motion was lost.

A call of the House was ordered.

Absent—Hartwell, Heldt and Mallory.

Stafford moved a further call of the House be dispensed with.

Coleman moved the previous question, upon which the ayes and nays were called.

Ayes—Brown, Coleman, Emerson, Kennedy, Mead, McCauley, Stafford, Sutton and Tate—9.

Nays—Aiken, Alger, Arnoux, Curtis, Dean, Dusold, Ezekiel, Harrington, Kerley, O'Keefe, Sanders and Mr. Speaker—12.

Pending the call, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-SIXTH DAY.

FEBRUARY 9, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Journal of Saturday read, corrected, and approved.

Rev. Mr. Prout, chaplain of the House, was excused for two days.

Alger, chairman of the Joint Committee on Enrollment, reported H. B. No. 30 correctly enrolled. Also, H. Bs. Nos. 18 and 23.

On motion of Alger, the following resolution was adopted:

MR. SPEAKER—*Resolved*, That there be no more bills introduced in this House after the thirty-seventh day of the session.

Respectfully,

JOS. M. ALGER.

Ezekiel introduced a resolution that we will not consider any bill which has for its object the changing of any of the boundary lines of any of the counties.

Resolution laid on the table for further consideration.

On motion of Alger, the House proceeded with the regular order of business.

Alger reported as follows :

MR. SPEAKER—Your Joint Committee on Judiciary, to whom was referred H. Bs. Nos. 6, 7, 11, 19, 32, and 53, beg leave to report that they have had the same under consideration, and would most respectfully beg leave to report the same back to the House, with the recommendation that they be indefinitely postponed.

Respectfully,

JOS. M. ALGER, *Chairman*.

Stafford reported :

MR. SPEAKER—Your Committee on Indian Affairs, to whom was referred so much of the Governor's Message as relates to the present management of Indian Affairs and subjects connected therewith, would respectfully beg leave to differ from His Excellency in regard to the "eminent success" of the present Indian policy. We think the present policy an expensive one, and to the advantage of no one, except the agent and trader; giving the one fine opportunities for stealings, and the other an exclusive right of trade. And your committee further believe, that until the entire control of

Indian affairs is transferred to the war department, and army officers made the only Indian agents, can we expect any great improvement in the management of Indian affairs—but would not recommend any legislation by this House at present.

All of which is respectfully submitted.

STAFFORD, *Chairman*.

Mead, chairman of the Committee on Elections, to whom was referred H. B. No. 18, reported the same back without recommendation.

Emerson reported:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 37, have had the same under consideration, and beg leave to report the same back to the House, with recommendation that it do pass.

EMERSON, *Chairman*.

Sanders reported as follows:

MR. SPEAKER—Your Committee on Education and Labor have had under consideration C. B. No. 17, An Act to provide for the collection of statistics, and report the same back, with the recommendation that it do pass.

W. F. SANDERS.

Alger, chairman of the Committee on Judiciary, reported:

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 63, a bill for an act in relation to joint debtors, beg leave to report that they have had the same under consideration, and report the same back to the House, with the recommendation that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman*.

Also,

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. B. No. 29, An Act to facilitate the administration of justice, have had the same under consideration, and would most respectfully recommend that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

Also,

MR. SPEAKER—Your Committee on Judiciary, to whom was recommitted H. B. No. 21, beg leave to report the same back with the accompanying amendment, and recommend that the amendment be adopted, and that it do pass as amended.

Respectfully,

JOS. M. ALGER, *Chairman.*

Also,

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 56, a bill for An Act in relation to toll roads and bridges, have had the same under consideration, and would respectfully recommend that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

Heldt, chairman of the Committee on Engrossment, reported H. B. No. 25 and H. J. M. No. 4 correctly engrossed.

Kennedy gave notice of an act to amend sections 1 and 8 of an act concerning license, approved May 8, 1873.

Mr. Speaker announced that he had signed H. B. No. 30.

C. B. No. 4, An Act in relation to brands and marks, read first and second times, and referred to Committee on Territorial Affairs.

Alger, of the Joint Committee on Enrollment, reported H. B. No. 30 handed to the Governor at 11 o'clock A. M. this day.

H. B. 36, An Act to promote the mining resources of Montana Territory, read third time and lost:

Ayes—Brown, Coleman, Dean, Harrington, Kennedy, Kerley, Mallory, Mead, Sutton and Mr. Speaker—11.

Nays—Aiken, Alger, Chessman, Dusold, Emerson, Ezekiel, Heldt, McCauley, O'Keef, Sanders, Stafford and Tate—12.

Heldt introduced H. B. No. 64, an act to amend section 102 of an act entitled An Act in relation to administrators and executors. Read first and second times and referred to Committee on Judiciary.

Aiken introduced H. J. R. No. 8, to pay W. W. Chapman. Read first and second times, and, on motion of Harrington, the rules were suspended, considered engrossed, read the third time and passed:

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dean, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—21.

Nays—Dusold and Sanders—2.

Title agreed to.

Coleman introduced H. J. M. No. 5. Read first and second times.

Sanders moved to refer to Committee on Education and Labor. Motion lost.

On motion of Coleman, the bill was referred to Committee on Territorial Affairs.

C. B. No. 21, An Act authorizing the county commissioners to levy a special tax to build, buy and repair bridges, read first and second times, and amended as follows:

Add to section 2:

Provided, That no moneys shall be paid out under the provisions of this act for any bridge or bridges until the district attorney of the second judicial district, upon an examination by him made, shall report to said board that in his opinion the title of the person (or persons), corporation (or corporations), offering to sell the same, is valid.

Rules suspended, read third time and passed :

Ayes — Aiken Alger, Brown, Chessman, Coleman, Dusold, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton and Mr. Speaker—19.

Nays—Dean and Tate—2.

Title agreed to.

On motion of O'Keefe, the House took a recess to 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

C. C. R. No. 5, read first and second times and referred to Committee on Printing.

C. B. No. 44, An Act to provide for the education of deaf mutes and blind children, read first and second times and referred to the Committee on Education and Labor.

C. B. No. 50, an act to amend section 6, chapter 1, of an act entitled the criminal practice act, read first and second times and referred to the Committee on Judiciary.

C. B. No. 45, an act to amend an act entitled An Act to regulate and govern the Montana penitentiary, read first and second times and referred to Committee on Territorial Affairs.

Mr. Stafford introduced H. J. R. No. 9. Read first and second times and referred to Finance Committee.

Heldt reported H. J. Ms. Nos. 3 and 4, and H. B. No. 60, correctly engrossed.

H. B. No. 6 was indefinitely postponed.

H. B. No. 53 was indefinitely postponed.

H. Bs. Nos. 19, 32, 11, 7, 18, and 64, were, on motion, indefinitely postponed.

H. B. No. 25, An Act to regulate and govern the Montana penitentiary. On motion of Coleman, the rules were suspended, the bill read the third time by title and passed :

Ayes—Aiken, Brown, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—21.

Nays—Alger and Sanders—2.

The title was agreed to.

Alger reported :

MR. SPEAKER—Your Committee on Judiciary, to whom was referred H. B. No. 63, an act entitled An Act to amend section 102 of an act entitled an act in relation to administrators and executors, have had the same under consideration and beg leave to report the same back, with the recommendation that it be indefinitely postponed.

Respectfully,

JOS. M. ALGER, *Chairman.*

Report adopted.

And, on motion of Alger, H. B. No. 63 was indefinitely postponed.

H. J. M. No. 4 was read the third time and passed :

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—None.

Title agreed to.

H. J. M. No. 3, read third time and passed :

Ayes—Aiken, Alger, Brown, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton and Tate—21.

Nays—Coleman and Mr. Speaker—2.

The following communication was received from the Council, through Carpenter, their Chief Clerk :

COUNCIL CHAMBER,
February 9, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body :

That the Council refuse to recede from their amendment to H. B. No. 37, and insist thereon.

That the following bills have passed the Council :

H. J. R. No. 7, relief of S. R. Shankland.

C. B. No. 7, to amend section 13, of chapter 83, of an act revising, re-enacting and codifying the general and permanent laws of Montana, approved January 4, 1872.

C. B. No. 11, a bill to amend section 38 of chapter 21 of general and miscellaneous laws, approved January 12, 1872.

C. B. No. 49, an act to amend An Act to establish and regulate the fees of district attorneys and other officers in the Territory of Montana, approved May 3, 1873.

C. B. No. 54, An Act to appropriate certain money in the sinking fund to defray the expenses of the Montana penitentiary.

C. C. R. No. 6, in relation to printing.

That H. C. R. No. 1 has passed the Council, with amendments.

Respectfully,

CARPENTER, *Chief Clerk.*

H. B. No. 60, an act entitled An Act to protect the town of Bozeman against fire, etc., read third time and passed:

Ayes—Alger, Brown, Chessman, Coleman, Curtis, Dean, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, O'Keefe, Sanders, Sutton, Tate and Mr. Speaker—19.

Nays—Aiken, Dusold, Mead and Stafford—4.

Mr. Sanders moved to amend the title by striking out "etc."

Motion lost.

Title agreed to.

C. C. R. No. 6, read first and second times and referred to Committee on Printing.

H. B. No. 37, on motion of Sanders, the House insist on their disagreements to Council amendments.

On motion of Sanders, a committee of three were appointed to confer with a like committee from the Council.

Sanders, Ezekiel and Sutton were appointed said committee.

H. C. R. No. 1 was taken up, and Ezekiel moved that the House disagree to Council amendments.

Motion lost.

On motion of O'Keefe, the House concurred to Council amendments to H. C. R. No. 1.

Alger reported :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. J. R. No. 7 correctly enrolled.

Respectfully,

JOS. M. ALGER, *Chairman.*

C. B. No. 11, a bill for an act to amend section 38 of chapter 21 of general and miscellaneous laws, approved January 12, 1872, read first and second times and referred to Committee on Judiciary.

The Speaker announced that he had signed H. J. R. No. 7.

C. B. No. 7, An Act to amend section 18, chapter 83, of the general laws, read first and second times, rules suspended, read third time and passed :

Ayes—Aiken, Brown, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford and Mr. Speaker—19.

Nays—Harrington, Sutton and Tate—3.

On motion of Sanders, the vote by which C. B. No. 7 passed was reconsidered.

Sanders moved to recommit to a select committee of one, with instructions to strike out the words "revising, re-enacting and codifying the general and permanent laws of Montana Territory," and insert in lieu thereof the words "concerning

rights of way, easements, and other necessary means for the development of mines," in lines 1, 2, 3, 4, and 5, of section 1.

C. B. 49, An Act to regulate the fees of district attorneys, read first and second times and referred to Judiciary Committee.

C. B. 54, An Act appropriating certain moneys in the sinking fund to defray the expense of the Montana penitentiary, read first and second times and referred to Committee on Territorial Affairs.

C. J. R. No. 2, was, on motion of Sanders, made the special order for 10:30 o'clock A. M. to-morrow.

Carpenter, chief clerk of the Council, made the following communication :

That the Council refuse to adopt the report of the Conference Committee on H. B. No. 23.

That C. B. 35 passed the Council.

Alger, of the Joint Committee on Enrollment, reported H. C. R. No. 1, correctly enrolled.

Also,

That he handed H. J. R. No. 7 to the Governor at 3:50 this P. M.

Mr. Speaker announced that he had signed H. C. R. No. 1.

Sanders reported:

MR. SPEAKER—Your Committee of Conference, to whom was referred H. B. No. 23, an act to amend An Act relating to county commissioners, beg leave to report that they have considered the same with the committee from the Council, and recommend that the Council recede from all that portion

of its amendments which exempts the counties of Jefferson, Beaver Head and Meagher from the provisions of the act, and that the House concur with all the other amendments of the Council.

Respectfully,

BEATTIE,
NEWCOMER,

Maj. of Com. Council.

SANDERS,
KERLEY,

Maj. Com. of House.

Report received.

On motion of Kerley, the House concurred in Council amendments to H. B. No. 23.

C. B. No. 35, An Act to amend section 422 of the criminal practice act, read first and second times and referred to the Judiciary Committee.

C. B. No. 29, An Act to facilitate the administration of justice, read third time and passed:

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, O'Keefe, Sanders and Sutton—18.

Nays—Dean, Mead, Stafford, Tate and Mr. Speaker—5.

The title was agreed to.

C. B. No. 17, An Act to provide for the collection of statistics, read third time and passed:

Ayes—Brown, Chessman, Coleman, Curtis, Dean, Emerson, Ezekiel, Heldt, Kennedy, Kerley, McCauley, O'Keefe and Sanders—13.

Nays—Aiken, Alger, Dusold, Harrington, Mallory, Mead, Stafford, Sutton, Tate and Mr. Speaker—10.

Title agreed to.

C. B. No. 22, An Act in relation to roads and highways.

On motion of Sanders, the rules were suspended, the bills read third time and passed :

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—21.

Nays—Heldt and Sanders—2.

The title was agreed to.

C. B. No. 33 was taken up, and, on motion of Sanders, was made the special order for 11 o'clock A. M. to-morrow.

H. B. No. 21 was taken up, and the amendments adopted, and ordered engrossed as amended.

H. J. R. No. 4, read third time and passed :

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

Nays—Dean—1.

The title was agreed to.

H. B. No. 63, An Act in relation to joint debtors.

On motion of Sanders, the rules were suspended, the bill considered engrossed, read a third time by title and passed :

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Dean, Dusold, Emerson, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe and Sanders—17.

Nays—Ezekiel, Stafford, Sutton, Tate and Mr. Speaker—5.

The title was agreed to.

Sanders moved to indefinitely postpone H. B. No. 40, upon which motion the ayes and nays were called:

Ayes—Aiken, Alger, Chessman, Coleman, Dean, Heldt, Kennedy, Kerley, O'Keefe and Sanders—10.

Nays—Brown, Curtis, Dusold, Emerson, Ezekiel, Harrington, Mallory, Mead, McCauley, Stafford, Sutton, Tate and Mr. Speaker—13.

And the motion was lost.

On motion of Tate, the substitute to H. B. No. 40 was adopted, and ordered engrossed for third reading.

H. B. No. 56, An Act in relation to toll roads and bridges, was read third time and passed:

Ayes—Alger, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kerley, Mallory, McCauley, O'Keefe, Sanders, Stafford and Sutton—17.

Nays—Aiken, Brown, Carmichael, Mead, Tate, and Mr. Speaker—6.

The title was agreed to.

H. B. No. 57, An Act to amend section 14 of an act concerning license, approved January 10, 1872, was read third time, and lost:

Ayes—Aiken, Brown, Carmichael, Dean, Emerson, Ezekiel, Kennedy, Mallory, Stafford, and Tate—10.

Nays—Alger, Chessman, Curtis, Dusold, Harrington, Heldt, Kerley, Mead, McCauley, Sanders, Sutton, and Mr. Speaker—12.

Emerson reported as follows:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred C. B. No. 25, have had the same under consideration, and beg leave to report the same back to the House, with the recommendation that it do not pass.

EMERSON, *Chairman.*

Report received.

Sutton, chairman of the Committee on Finance reported as follows:

MR. SPEAKER—Your Committee on Finance, to whom was referred that portion of the Governor's Message relating to the payment of the sum of \$181.35 twice—once to Dezell Gilbert (late treasurer of Madison county), and once to P. C. Smith, as administrator of the estate of said Gilbert—beg leave to submit the following report:

After obtaining all the information we could with reference to the matter, we find: *First*, That said Gilbert was ordered by the district court (D. S. Wade presiding) to pay into court the sum of \$856.67, that being the amount held by said Gilbert of Territorial funds payable to Treasurer Hickman. *Second*, That said Gilbert did pay said sum of \$856.67 to said court, or to the clerk thereof; that said clerk, after deducting the sum of \$181.35 as fees and costs in case of Gilbert *vs.* Barclay and Hickman, and that said clerk of said court only paid the sum of \$675.32 into the hands of said Treasurer Hickman, which last named sum only appears on the books of Treasurer Hickman, instead of the full sum of \$856.67, the amount paid into court.

We, your committee, further find: That had the said full amount of \$856.67 been paid into the treasury by said clerk of the court, then Treasurer Hickman could have made the proper entry on his books by charging himself with the said full amount. The treasurer then, as we contend he is, would be the proper disbursing officer, whose duty it was to pay the said sum of \$181.35 as fees and costs in said suit of Gilbert

vs. Barclay and Hickman; then said last named sum would have appeared on the books of Treasurer Hickman, which sum does not so appear.

Your committee further find: That upon examination of the auditor's books, so far as relates to the subject under consideration, that the entries therein are all correct, and that said auditor could not, under the law, have acted otherwise than in the manner pursued by him; we are, therefore, convinced that the fault, or blame, in the matter rests in the fact that the clerk of the court failed to pay the full sum of \$856.67 to Treasurer Hickman, in consequence of which the proper entry does not, and cannot, appear on the books of said treasurer.

Your committee would further state: That we attach no criminal intent to any of the officers herein referred to, but to a careless manner of doing business, and would recommend that the auditor be instructed to proceed to collect, according to law, the sum of \$181.35 from the estate of said Gilbert, as it is evident that said estate has been paid said sum a second time.

Respectfully,

SUTTON, *Chairman*.

Sanders moved to recommit to Finance Committee their report, with instruction that they bring in a joint resolution, directing the district attorney of the first judicial district to commence action against the officer through whose neglect the \$181.35 was lost to the territory through the estate of Dezell Gilbert and the neglect of some officer of the territory.

Upon which motion the ayes and nays were called:

Ayes—Alger, Coleman, Dusold, Heldt, Mead, O'Keefe and Sanders—7.

Nays—Aiken, Brown, Carmichael, Chessman, Curtis, Dean, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, McCauley, Stafford, Sutton, Tate and Mr. Speaker—17.

And the motion was lost:

A majority of the Committee on Towns and Counties reported as follows:

MR. SPEAKER—Your Committee on Towns and Counties, to which was referred H. B. No. 62, having had the same under consideration, beg leave to report it back to the House, with the recommendation that it pass.

J. A. BROWN,
EZEKIEL,
McCAULEY,

Majority of Com.

Coleman, from a select committee, reported as follows:

MR. SPEAKER—I respectfully report that the Special Committee, to whom was referred H. B. No. 59, have had the same under consideration, and, as one of that committee, I recommend that the same do pass.

COLEMAN.

Tate, from the select committee, reported as follows:

MR. SPEAKER—One of your Committee to whom was referred H. B. No. 59, beg leave to report the same back with the recommendation that it do not pass for the following reasons, viz:

1st. That the citizens of Gallatin county do not desire the same, and only desire that the tax now collected under the road law may be applied to such purpose.

2d. That said bridge is unnecessary to the wants of said citizens of Gallatin county, there being now three bridges across said river, which are fully sufficient for the wants of the community.

3d. That by the provisions of this bill there can be an onerous burden placed upon a people already overburdened with debt, in consequence of a failure of their crops, and no markets for their produce.

4th. That it is the duty of the Legislature to lighten the burdens of their constituents, if the same can be done without injury, instead of increasing them.

All of which is respectfully submitted.

TATE.

On motion of Mallory, the reports with H. B. No. 59 were indefinitely postponed.

The House took a recess until 7 o'clock P. M.

7 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Harrington gave notice of a bill for an act to amend section 2 of An Act concerning license, approved May 8th, 1873.

Sanders, chairman of the Committee on Education and Labor, reported as follows:

MR. SPEAKER—Your Committee on Education and Labor, to which was referred C. B. No. 44, An Act to provide for the education of deaf mutes and blind children, has had the same under consideration. Your committee recommend that said bill be amended by adding to section 3 the following words: "*Provided*, That the provisions of this act shall not apply to any deaf mute or blind child whose parents, in the judgment of the Governor or Superintendent of Public Instruction, are amply able to so educate such child, nor shall they apply to any child whose estate is amply sufficient to care for and so educate such child," and that as so amended the bill do pass.

W. F. SANDERS, *Chairman*.
J. S. STAFFORD,
JOS. M. ALGER,

Sanders, a select committee of one, reported as follows :

MR. SPEAKER—Your select committee, to which was referred C. B. No. 7, with instructions, has had the same under consideration, and pursuant to the instructions of the House, brings in and recommends the accompanying amendment, and that as so amended the bill do pass.

W. F. SANDERS, *Select Committee.*

Amend section 1 by striking out of 2d to 5th line, section 1, the words, "revising, re-enacting and codifying the general and permanent laws of Montana Territory," where they consecutively occur, and inserting the words "concerning rights of way, easements and other necessary means for the development of mines" in lieu thereof.

Report adopted.

Kerley, chairman of the Committee on Printing, reported as follows :

MR. SPEAKER—Your Committee on Printing, having had C. C. R. No. 6 under consideration, beg leave to report the same correct and recommend that it do pass.

J. C. KERLEY.

Kerley, chairman of the Committee on Printing, also reported as follows :

MR. SPEAKER—Your Committee on Printing, having had C. C. R. No 5 under consideration, beg leave to report the same back to the House, with the accompanying amendment, and recommend that it pass as amended.

J. C. KERLEY.

Amend C. C. R. No. 5. Strike out "five hundred and three" and insert "three hundred and eighty-three" in lieu thereof.

Amendment adopted, and the Resolution adopted as amended.

O'Keefe introduced H. B. No. 65 : An Act entitled An Act to amend section 28 of chapter 85 of the general and miscellaneous laws. Read first and second times, and on motion of Sanders was committed to O'Keefe, of Missoula, with instructions to introduce a substitute that will more specifically describe the act sought to be amended.

Ezekiel introduced H. B. 66: An Act to amend the fourth division of section 1 of an act concerning licenses, approved May 8th, 1873. Read first and second times, and referred to the Committee on Ways and Means.

O'Keefe, a select committee of one, reported as follows :

MR. SPEAKER—Your select committee to which was referred H. B. No. 65, a bill for An Act to amend section 28 of chap. 85 of the general and miscellaneous laws of Montana Territory, has had the same under consideration, and pursuant to the instructions, reports back the bill with accompanying substitute, and recommending the said substitute do pass.

Report adopted.

Substitute adopted.

Sutton moved to amend the substitute by making the bill read "fifteen per cent" instead of "ten per cent" on delinquent taxes. Motion lost.

On motion of O'Keefe, the rules were suspended, the bill was considered engrossed, read the third time by title and passed.

Ayes—Alger, Chessman, Dean, Emerson, Heldt, Mallory, Mead, McCauley, O'Keefe, Sanders, Tate and Mr. Speaker—12.

Nays—Aiken, Brown, Carmichael, Dusold, Ezekiel, Harrington, Kennedy, Kerley and Sutton—9.

The title was agreed to.

C. C. R. No. 6 was read the third time and passed.

Ayes—Aiken, Alger, Brown, Chessman, Dean, Dusold, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Sutton, Tate and Mr. Speaker—18.

Nays—Carmichael—1.

The title was agreed to.

C. C. R. No. 5 was read the third time and passed.

Ayes—Aiken, Alger, Brown, Chessman, Coleman, Curtis, Dean, Dusold, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—20.

Nays—None.

Title agreed to.

On motion of Alger, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-SEVENTH DAY.

FEBRUARY 10, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Journal of yesterday read and approved.

H. J. R. No. 2 was read a third time and passed :

Ayes—Alger, Arnoux, Brown, Chessman, Curtis, Dean, Ezekiel, Hartwell, Harrington, Heldt, Kerley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—16.

Nays—Aiken, Carmichael, Coleman, Dusold, Kennedy, Mallory, Mead, McCauley and Sanders—9.

Title agreed to.

Harrington reported as follows :

That C. Bs. Nos. 4 and 54, and H. B. 58, and H. J. M. No. 5 do pass.

The joint committee upon the Auditor's and Treasurer's books reported as follows :

MR. SPEAKER—Your Joint Committee appointed by the Council and House to examine the Auditor's and Treasurer's books and accounts for the twenty-five months ending December 31st, 1873, and since the meeting of the last regular Legislative Assembly, beg leave to report that they have made a thorough and complete examination of all the books, accounts, vouchers and transactions of the Territorial Auditor, during the time above mentioned ; that we find everything correct, the books corresponding with the Treasurer's books and the report of the Territorial Auditor made to the Legislative Assembly, at this session ; that the only discrepancy your committee find, is in the account of Dezel Gilbert, late Treasurer of Madison county, amounting to \$181 in favor of the Territory and against the estate of said Gilbert, which matter has been investigated by the Finance Committee of the House and the facts thereof reported, to which report your committee make reference ; that your committee find upon close examination of books and accounts of the Territorial Treasurer,

for the twenty-five months mentioned, that they are balanced, and corresponding with the report of the Territorial Treasurer made to the Legislative Assembly at this session.

Respectfully submitted,

NEWCOMER,

BARBER,

YEAGER,

Committee of Council.

CURTIS,

COLEMAN,

STAFFORD,

Committee of House.

Report received and committee discharged.

The following majority report of select committee was made by Arnoux :

MR. SPEAKER—Your committee to whom was referred H. B. No. 13, having had the same under consideration, report the same back with the accompanying substitute, recommending that it do pass.

Respectfully,

ARNOUX,

E. D. AIKEN,

ISAAC DEAN.

Majority report.

Sanders, from the select committee on H. B. No. 13, reported as follows :

MR. SPEAKER—A minority of your select committee to which H. B. No. 13 was referred, have considered the same and submit this report :

The bill proposes to detach from Deer Lodge county all that portion which lies east of the Rocky Mountains, and north of Lewis and Clark county. The region thus sought to be detached is a portion of a very large county, nearly three

hundred miles from its southern to its northern extremity. The area sought to be attached to Choteau county, from Deer Lodge county, is remote from the county seat and towns, and settled portion of Deer Lodge county, and is largely inhabited by civilized man. It is contiguous to Choteau, has business relations with it, and should be attached to it.

Along the eastern base of the Rocky Mountains, north of Beaver creek, and south of Sun river, between the Missouri river on one hand, and the Mountains on the other, is Lewis and Clark county. It is the smallest of all the counties of Montana, being about thirty by eighty miles in area. Its territory is contiguous and compact, but its county seat is within three miles of its southern boundary. It is well defined by natural boundaries, with an exception of a short distance along the Jefferson county line. The county is in debt nearly \$150,000. The bill in question proposes to disregard the debt, to release one-half the territory from its payment, to impair the security of the county creditors, to the extent of dividing it in nearly the middle.

While the county lines of Lewis and Clark, and some adjoining counties, might be re-arranged to the advantage of all, it is submitted by the undersigned, that, until the matter can be taken up and a general correction of such lines be made, as experience has shown would be convenient to the citizens, that Lewis and Clark county should remain without change. The minority of the committee making this report is of the opinion that that part of Deer Lodge county sought by the bill to be included in Choteau, is so isolated in its character, and so exceptional in its condition, that it should be attached to Choteau.

The minority of your committee brings in the accompanying substitute for H. B. No. 13, and recommends that it do pass.

J. W. HARTWELL,
W. F. SANDERS,

Of Select Committee.

Report adopted.

The substitute was adopted, rules suspended, considered engrossed, read the third time and passed.

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton and Tate—22.

Nays—Alger and Mr. Speaker—2.

The title was agreed to.

The following communications were received from the Governor, through Dr. Callaway, his private secretary :

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Feb. 10, 1874. }

To the House of Representatives :

I have the honor to return to the House of Representatives H. J. R. No. 7 without my approval.

The resolution seeks to appropriate money from the Territorial treasury, to pay an officer of the Legislative Assembly which is in direct violation of the act of Congress, which provides "that no law of any Territorial Legislature shall be made or enforced, by which any officer of a Territory herein provided for, or officers or members of any Territorial Legislature, shall be paid any compensation other than that provided by the laws of the United States."—(U. S. Statutes at Large, vol. 17, page 416.)

I trust on a reconsideration of this resolution you will not vote money from the treasury without authority.

A Territorial Legislature is the creature of Congress, and is certainly not above the laws of Congress.

Pause and consider before you set such a dangerous precedent for future legislation.

Respectfully,

B. F. POTTS, *Governor.*

Also:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT, }
VIRGINIA CITY, Feb. 10, 1874. }

To the House of Representatives:

I have the honor to inform the House of Representatives that I did, on the 9th day of February, 1874, approve H. B. No. 41, entitled, An Act to authorize the county commissioners of Deer Lodge county to audit certain claims.

Also, on the same day, I approved H. B. No. 30, entitled, An Act to amend section 44 of chapter 85 of an act entitled, An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory, in relation to the revenue, approved January 12, A. D. 1872.

Respectfully,

B. F. POTTS, *Governor.*

On motion of Ezekiel the vote by which H. J. R. No. 7 was passed was reconsidered.

Ezekiel then moved that the resolution do now pass, the objections of the Governor to the contrary notwithstanding.

Ayes—Carmichael, Coleman, Curtis, Dean, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—16.

Nays—Aiken, Alger, Arnoux, Chessman, Dusold, Hartwell, Heldt, McCauley and Sanders—10.

And the bill, not having received a two-thirds vote, it was lost.

Alger, from the Joint Committee on Enrollment, reported H. B. No. 23 correctly enrolled.

The House then went into Committee of the Whole to consider C. B. No. 33, Mr. Sanders in the chair.

The House resumed. Mr. Speaker in the chair.

On motion of Tate the House took a recess until 2 o'clock P. M.

2 o'clock P. M.—The House resumed, Mr. Speaker in the chair.

Roll called — quorum present.

Sutton introduced H. B. No. 67, an act to provide for the payment of county tax and license in county warrants. Read first and second times and referred to the Committee on Ways and Means.

Harrington introduced H. B. No. 68, an act to amend section 2 of an act concerning license, approved May 8th, 1873. Read first and second times and referred to Committee on Finance.

By Alger: H. B. No. 71, an act defining certain offenses therein named and providing a punishment therefor. Read first and second times.

Mr. Coleman in the chair.

On motion of Alger, the rules were suspended and H. B. No. 71 was considered engrossed and read a third time by its title, and passed :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—26.

Nays—None.

The title was agreed to.

H. B. N. 69, introduced by Carmichael, An Act in relation to taxation of jury fees, read first and second times and referred to the Judiciary Committee, with instructions to report by 10 o'clock A. M. to-morrow.

The Speaker announced that he had signed H. B. No. 23.

Alger reported from Joint Committee on Enrollment that C. C. R. No. 6 was correctly enrolled.

Mr. Speaker announced that he had signed C. C. R. No. 6.

The following communication was received from the Council, through Mr. A. M. S. Carpenter, their chief clerk :

COUNCIL CHAMBER, }
February 10, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body :

That the Council have concurred in House amendments to C. Bs. Nos. 21 and 22.

That they refuse to concur in House amendments to C. C. R. No. 5.

That they have appointed Beattie, Barber and Maillet a conference committee on H. B. No. 37.

That H. J. R. No. 8 has been indefinitely postponed.

That H. B. No. 65 has passed the Council; that H. B. No. 54 was lost.

That H. Bs. Nos. 61 and 43 have passed with amendments.

That C. Bs. Nos. 26 and 51 have passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

C. B. No. 55 passed the Council.

By Kerley : H. B. No. 70, a bill for an act to amend an act revising, re-enacting and codifying the general and permanent laws of Montana Territory, relating to counties and county officers, read first and second times and referred to the Committee on Territorial Affairs.

H. J. R. No. 10, to pay H. A. Blake, read first time, and on motion rejected by the following vote :

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, McCauley, Stafford, Sutton and Tate—19.

Nays—Alger, Coleman, Mallory, Mead, and Sanders—5.

Alger reported as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report House Concurrent Resolution No. 1, and H. B. No. 23, an act to amend an act entitled, An Act relating to county commissioners, approved January 12th, 1872, handed to the Governor for his approval at 3:15 this P. M.

Respectfully,

JOS. M. ALGER, *Chairman*.

Kennedy introduced H. B. No. 72, a bill for an act to amend sections 1 and 8 of an act entitled, An Act concerning license, approved May 8th, 1873. Read first time and rejected.

H. J. M. No. 6, introduced by O'Keefe, read first and second times and amended by Sanders, and referred with amendments to the Committee on Indian Affairs.

Heldt, chairman of the Committee on Engrossment, reported H. Bs. Nos. 21 and 40 correctly engrossed.

On motion of Ezekiel the House refuse to recede, and insist on their amendments to C. C. R. No. 5.

Sutton reported as follows :

MR. SPEAKER—Your Committee on Finance to whom was referred H. J. R. No. 9, with accompanying papers, for the paying of R. E. Arick, and Ben. Ezekiel for services rendered to the seventh Legislative Assembly, beg leave to return the same and recommend that it do pass.

SUTTON, *Chairman*.

H. B. No. 40, was taken up, rules suspended, read third time by title, and passed.

Ayes—Arnoux, Carmichael, Chessman, Curtis, Emerson, Ezekiel, Harrington, Mallory, Mead, McCauley, Stafford, Sutton, and Tate—13.

Nays—Brown, Coleman, Dean, Dusold, Hartwell, Heldt, Kennedy, Kerley, O'Keefe, Sanders and Mr. Speaker—11.

The title was agreed to.

O'Keefe moved to adjourn. Motion lost.

Emerson reported as follows :

MR. SPEAKER—Your Committee on Ways and Means to whom was referred H. B. No. 66, have had the same under consideration, and beg leave to report the same back to the House with the recommendation that it do pass.

EMERSON, *Chairman*.

H. B. No. 66 was taken up, rules suspended, considered engrossed, read third time by title and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, and Mr. Speaker—24.

Nays—Dean and Tate—2.

The title agreed to.

Mr. Speaker announced that he had signed H. B. No. 65.

A motion to adjourn was lost.

H. J. R. No. 9, rules suspended, read third time by title and lost.

Ayes—Arnoux, Carmichael, Hartwell, Kerley, Mead, McCauley, Stafford, Sutton, Tate and Mr. Speaker—10.

Nays—Aiken, Brown, Chessman, Coleman, Dean, Dusold, Emerson, Harrington, Heldt, Kennedy, Mallory, and Sanders—12.

The House concurred in Council amendments to H. B. No. 61.

The House concurred in Council amendments to H. B. No. 43.

Ezekiel gave notice that he would, at 10:30 o'clock A. M. tomorrow, move to repeal joint rule No. 8.

H. B. No. 21, An Act regulating the issue, return and service of summons in the Probate Courts of Montana Territory, was read the third time and passed:

Ayes—Brown, Carmichael, Chessman, Coleman, Dusold, Ezekiel, Hartwell, Harrington, Kennedy, Mead, O'Keefe, Sanders, Stafford—31.

Nays—Aiken, Alger, Arnoux, Dean, Emerson, Heldt, Kerley, McCauley, Sutton, Tate and Mr. Speaker—11.

Title agreed to.

H. J. M. No. 5 : On motion of Kerley the rules were suspended, the memorial considered engrossed, read the third time and lost :

Ayes—Aiken, Brown, Coleman, Curtis, Emerson, Harrington, Kennedy, Kerley, Mallory, O'Keefe, Sutton and Tate—12.

Nays—Alger, Arnoux, Carmichael, Chessman, Dean, Dunsold, Ezekiel, Hartwell, Heldt, Mead, McCauley, Sanders, Stafford, and Mr. Speaker—14.

Sanders gave notice that on to-morrow, at 10:30 A. M., he would move to reconsider the vote by which H. J. M. No. 5 was lost.

On motion the House took a recess until 7 o'clock P. M.

7 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

The Joint Judiciary Committee introduced H. B. No. 73, a bill for An Act to amend an act to regulate proceedings in civil cases in courts of justice in the Territory of Montana.

On motion the rules were suspended and the bill read the first and second times by title, and considered in Committee of the Whole, Mr. Alger in the chair.

House resumed. Mr. Speaker in the chair.

Alger reported as follows :

MR. SPEAKER—Your Committee of the Whole, to whom was referred H. B. No. 73, have had the same under consider-

ation and report the same back with the recommendation that it do pass.

Respectfully,

J. M. ALGER, *Chairman.*

Report adopted.

Rules suspended, considered engrossed, read the third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Dean, Dusold, Hartwell, Harrington, Heldt, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton, and Mr. Speaker—19.

Nays—Ezekiel, Kennedy, Kerley, Stafford, and Tate—5.

Title agreed to.

Alger reported as follows :

MR. SPEAKER—Your Joint Committee, on Enrollment beg leave to report H. B. No. 65, An Act to amend an act entitled an act in relation to the collection of revenue, approved January 12th, 1872, correctly enrolled.

Respectfully,

J. M. ALGER, *Chairman.*

Also, as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. B. No. 65, An Act to amend an act entitled an act in relation to the collection of revenue, approved January 12th, 1872, handed to the Governor at 4:30 this p. m.

Respectfully,

J. M. ALGER, *Chairman.*

On motion, the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

THIRTY-EIGHTH DAY.

FEBRUARY 11, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Governor, through his private Secretary, Dr. George Callo-way :

TERRITORY OF MONTANA, EX. DEP., }
VIRGINIA CITY, Feb. 11, 1874. }

To the House of Representatives :

I have the honor to return to the House of Representatives H. B. No. 23, entitled An Act relating to the County Commissioners, approved January 9, 1872, without my approval.

This bill provides that the County Commissioners of certain counties shall publish a semi-annual instead of an annual statement, of the receipts and expenditures of their counties.

The expense that must be incurred under this bill will be several thousand dollars to the counties named. Taxes are only collected once a year, and I can see no reason why a statement of the receipts and expenditures should be published more than once each year.

This session of the Legislative Assembly has signally failed to make any considerable reduction in the public expenditures, which appears to me was demanded by every consideration of public interest.

I therefore cannot give my consent to the increase of the expenditures which must be incurred if this bill becomes a law.

I also object to the bill because it exempts certain counties from the provisions of the bill. If it is necessary for one county, it is for all.

I hope when you reconsider this bill, you will not add to the burden of an over-taxed people.

Respectfully,

B. F. POTTS, *Governor.*

The following communication was received from the Council, through Mr. Carpenter, their Chief Clerk:

COUNCIL CHAMBER, }
February 11, 1874. }

MR. SPEAKER—I am instructed to inform your honorable body that C. C. R. No. 8, to pay expert, C. B. No. 60, C. B. No. 61, C. B. No. 47, H. J. M. No. 4, and H. B. No. 53, have passed the Council.

That H. B. No. 35 has passed the Council with amendments.

That H. B. No. 47 was lost.

That Beattie, from a special committee, has introduced C. B. No. 59: To provide for the care of insane.

That Newcomer has introduced C. B. No. 60: In relation to sheriffs' sales and attachments.

That Beattie has introduced C. B. No. 61: To provide for a special fire tax in Helena.

Respectfully,

CARPENTER, *Chief Clerk.*

A call of the House was ordered.

Absent—Curtis, Emerson, McCauley, and Mr. Speaker.

On motion of Sanders, a further call of the House was dispensed with.

On motion of Ezekiel, the vote by which H. B. No. 23 passed the House was reconsidered.

Ezekiel moved that H. B. No. 23 pass, "the objections of the Governor to the contrary notwithstanding," which motion was lost.

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Hartwell, Kennedy, Kerley, and Sanders—9.

Nays—Carmichael, Coleman, Dean, Dusold, Ezekiel, Harrington, Heldt, Mallory, Mead, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—14.

Harrington reported as follows :

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred H. B. No. 70, An Act amending an act revising, re-enacting and codifying the general and permanent laws of Montana Territory in relation to counties and county officers, approved Jan. 12, 1872, have had the same under consideration, and recommend that the same do pass.

HARRINGTON.

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. Bs. Nos. 35 and 50, have had the same under consideration, and beg leave to report the same back with the accompanying amendments, and recommend that they be adopted, and that they do pass as amended.

Also, that C. B. No. 49 do pass.

Respectfully,

JOS. M. ALGER, *Chairman*.

Amendments adopted to H. B. No. 35.

On motion of Alger, the amendments to C. B. No. 50 were adopted.

Alger reported as follows :

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 42, have had the same under consideration, and beg leave to report the same back with the accompanying substitute, and recommend that it do pass.

Respectfully,

JOS. M. ALGER, *Chairman.*

Alger, of the Judiciary Committee, reported as follows :

MR. SPEAKER—Your Judiciary Committee, to whom was referred C. B. No. 11, and H. B. No. 69, have had the same under consideration, and beg leave to report the same back with the recommendation that they be indefinitely postponed.

Respectfully,

J. M. ALGER,

G. W. COLEMAN,

C. MEAD.

Alger, of the Joint Committee on Enrollment, reported as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. Bs. Nos. 43 and 61, also C. J. R. No. 2, C. C. R. No. 5, C. Bs. Nos. 17, 21, 22 and 29 correctly enrolled.

Respectfully,

JOS. M. ALGER, *Chairman.*

On motion of Kennedy, the House disagreed to Council amendments to H. B. No. 35, and ask the Council to recede.

On motion of Rogers, a Conference Committee of three on the part of the House were appointed, consisting of Kerley, Kennedy and O'Keefe.

Ezekiel offered the following resolution :

Resolved, That No. 8 of Joint Rules of the Legislative As-

sembly be repealed on the part of this House, and that the Council be requested to concur therein.

EZEKIEL.

On motion of Sanders, the following amendment to Ezekiel's resolution was adopted :

I move to amend Joint Rule 8 by striking out all after the word "signature," in line 4, and adding thereto the following: "After receiving his approval, or, failing in that, having passed by his failure within the time limited in the organic act to return the same to the House in which they originated, or having passed after such return by a two-thirds vote of each House, notwithstanding his objections, a copy shall be transmitted by the Chief Clerk to our Delegate in Congress."

SANDERS.

The following communication was received from the Council, through Carpenter, their Chief Clerk :

MR. SPEAKER—I am instructed by the Council to inform your honorable body that H. B. No. 71 passed the Council with amendments.

Respectfully,

CARPENTER, *Chief Clerk.*

Carmichael introduced H. B. No. 74: An Act to encourage manufactures. Read first and second times, and referred to the Committee on Agriculture and Manufactures.

Rogers moved to take up H. B. No. 71.

Ezekiel moved a call of the House.

On motion of Rogers, a further call of the House was dispensed with.

Rogers moved to suspend the rules of a call of the House until H. B. No. 71 is disposed of, upon which motion the ayes and nays were called.

Ayes—Aiken, Alger, Arnoux, Chessman, Curtis, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kerley, McCauley, O'Keefe, Sanders, Sutton and Mr. Speaker—17.

Nays—Brown, Carmichael, Coleman, Ezekiel, Kennedy, Mallory, Mead, Stafford and Tate—9.

And the motion was lost.

The Speaker announced that he had signed C. Bs. Nos. 22 and 17, and H. Bs. 21 and 29, and C. J. Rs. Nos. 5 and 2.

Brown introduced H. B. No. 75: An Act authorizing the county of Beaver Head to aid in the construction of a quartz mill. Read the first time, and Sanders objected to the second reading of the bill, and moved that the rejection of the bill be made the special order for 2:30 o'clock P. M.

Motion lost.

■ Ezekiel moved that the House take a recess to 2 o'clock P. M. Motion lost.

Read second time and referred to the Committee on Mines and Minerals.

On motion, the House concurred in the Council amendments to H. B. No 71, and the bill was ordered engrossed.

On motion of Stafford, the House took a recess to 2 o'clock P. M.

2 o'clock P. M.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

The following communication was received from the Council, through Carpenter, their chief clerk:

MR. SPEAKER—I am instructed by the Council to inform the House that H. J. R. No. 4 has passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

Alger reported as follows:

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. Bs. Nos. 43, 61, 63, 71, and H. J. R. No. 4, and H. J. M. No. 4, handed to the Governor at 2:40 this P. M. for his approval.

Respectfully,

JOS. M. ALGER, *Chairman.*

Mr. Speaker announced that he had signed H. Bs. 71 and 63, H. J. M. 4, H. J. R. No. 4, H. B. 43, and H. B. 61.

The following report was made by a select committee:

MR. SPEAKER—Your Committee of Conference on the disagreement of the two Houses as to Council amendments to H. B. No. 37, have, with the Conference Committee of the Council (Beattie, Barber, and Maillet), had the subject of the disagreement of the two Houses under consideration, your committee believing that a further insistence upon the disagreement of the House would be of no avail, but would operate to imperil the bill, have been constrained to recom-

mend that the House reconsider its disagreement, and concur in said amendments.

All of which is respectfully submitted.

EZEKIEL,
SANDERS,
SUTTON.

The following communication was received from the Council :

COUNCIL CHAMBER, }
February 11, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body :

That the Council have appointed Stuart, Yager, Davis, and Newcomer as Conference Committee on H. B. No. 35.

That C. Bs. Nos. 56, 62, 63, H. J. R. No. 4, and H. B. No. 60, have passed the Council.

Respectfully,
CARPENTER, *Chief Clerk.*

On motion, the House concurred in Council amendments to H. B. 37.

H. B. No. 70, an act to amend An Act revising, re-enacting and codifying the general and permanent laws of Montana Territory relating to counties and county officers, approved January 12, 1872.

On motion of Stafford, the rules were suspended, considered engrossed, read third time and passed :

Ayes — Aiken, Arnoux, Carmichael, Chessman, Coleman, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, O'Keefe, Stafford, Sutton and Mr. Speaker—20.

Nays—Brown, Curtis, Mead, Sanders and Tate—5.

Title agreed to.

On motion of Stafford, the substitute for H. B. No. 42 was adopted.

Amended and ordered engrossed as amended.

H. J. M. No. 5.

Sanders moved to reconsider the vote by which H. J. M. No. 5 was lost.

On motion of Sanders, the memorial was recommitted to a committee of one (Arnoux) with instructions to make such change in the distance as will accord with the facts saved by the navigation of the Yellowstone.

H. B. No. 58, amended and ordered engrossed.

H. B. No. 62, An Act to incorporate the town of Bozeman, was taken up, rules suspended, considered engrossed, read third time and passed :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, McCauley, O'Keefe, Sanders, Sutton, Tate and Mr. Speaker—24.

Nays—Stafford—1.

Title agreed to.

Alger reported as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. Bs. Nos. 71, 63, and H. J. M. No. 4, and H. J. R. No. 4, correctly enrolled.

Respectfully,

JOS. M. ALGER, *Chairman.*

Sutton reported as follows:

MR. SPEAKER—Your Committee on Finance, to whom was referred H. B. No. 68, a bill for An Act to amend section 2 of an act concerning licenses, approved May 8, 1873, beg leave to report the same back, and recommend that it do pass.

Respectfully submitted,

SUTTON, *Chairman.*

Report adopted.

On motion of Harrington, the bill was considered engrossed, read third time by title.

Sanders moved to recommit to a select committee, with instructions to strike out "twenty dollars" where it occurs and insert "fifteen dollars."

Motion lost.

The bill was then read third time and lost:

Ayes — Aiken, Arnoux, Brown, Coleman, Curtis, Emerson, Harrington, Kennedy, Kerley, McCauley, Stafford, Sutton and Mr. Speaker—13.

Nays—Alger, Carmichael, Chessman, Dean, Dusold, Ezekiel, Hartwell, Heldt, Mallory, Mead, O'Keefe, Sanders and Tate—13.

H. B. 69, on motion of Sanders, the rules were suspended, considered engrossed, read third time by title and passed:

Ayes — Arnoux, Brown, Carmichael, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Kennedy, Kerley, Mallory, McCauley, Sanders, Stafford, Tate and Mr. Speaker—19.

Nays—Aiken, Alger, Coleman, Harrington, Mead, O'Keefe and Sutton—7.

Title agreed to.

C. B. No. 11, An Act to amend section 38, chapter 21, read third time and lost:

Ayes—Hartwell, Kennedy, Mallory, Stafford and Tate—5.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Coleman, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kerley, Mead, McCauley, O'Keefe, Sanders, Sutton and Mr. Speaker—21.

Sanders gave notice that he would on to-morrow move to reconsider the vote by which C. B. 11 was lost.

Coleman moved to reconsider now.

Ezekiel moved to lay Coleman's motion on the table.

Lost.

Coleman's motion prevailed.

C. B. No. 11 was read and lost:

Ayes—Chessman, Emerson, Hartwell, Heldt, Kennedy, McCauley, O'Keefe, Sanders, Stafford and Tate—10.

Nays—Aiken, Alger, Arnoux, Brown, Carmichael, Coleman, Curtis, Dean, Dusold, Ezekiel, Harrington, Kerley, Mallory, Mead, Sutton and Mr. Speaker—16.

On motion of Aiken, C. B. No. 4 was indefinitely postponed.

On motion of Kerley, C. B. No. 25 was indefinitely postponed.

The following communication was received from the Governor, through Mr. Geo. Callaway, his private secretary:

TERRITORY OF MONTANA,
EXECUTIVE DEPARTMENT,
VIRGINIA CITY, Feb. 11, 1874. }

To the House of Representatives :

I have the honor to inform the House of Representatives that I did, on the 10th day of February, A. D. 1874, approve H. C. R. No 1, without title.

Also, on the same day, I approved H. B. No. 65, entitled An Act to amend an act in relation to the collection of the revenue, approved January 12, 1872.

Also, on the same day, I approved H. B. No. 61, entitled An Act to repeal section 25 of an act concerning licenses, approved May 8, 1873, in relation to telegraph lines.

Also, on the same day, I approved H. B. No. 15, entitled An Act to change the seat of government of the Territory of Montana.

Respectfully,

B. F. POTTS, *Governor.*

C. B. No. 35, An Act to amend section 422 of the criminal practice act, was read third time and passed:

Ayes—Aiken, Alger, Arnoux, Brown, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton and Mr. Speaker—21.

Nays—Kennedy, Stafford and Tate—3.

Title agreed to.

C. B. 49, An Act to regulate the fees of district attorneys and other officers, read third time and lost:

Ayes—Aiken, Arnoux, Coleman and Mr. Speaker—5.

Nays — Brown, Carmichael, Chessman, Dean, Dusold, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford and Tate—19.

A communication was received from the Council:

That C. J. R. No. 9 passed the Council.

That the Council recede from their amendments to H. B. No. 35.

Carmichael moved to take a recess to 7 o'clock P. M.

Lost.

C. B. No. 54, An Act appropriating moneys to pay the expenses of the Montana penitentiary, was read third time and passed:

Ayes—Aiken, Alger, Arnoux, Brown, Coleman, Dean, Ezekiel, Hartwell, Mallory, McCauley, O'Keefe, Sanders and Stafford—13.

Nays — Chessman, Curtis, Harrington, Heldt, Kennedy, Kerley, Mead, Sutton, Tate and Mr. Speaker—10.

Title agreed to.

Sanders gave notice that he would on to-morrow move to reconsider the vote by which C. B. No. 54 was passed.

Kerley, from Conference Committee, reported as follows:

MR. SPEAKER—Your Committee of Conference of House and Council, to whom was referred H. B. No. 35, the apportionment bill, beg leave to report that they have had the same

under consideration, and recommend that the Council recede from its amendments.

KERLEY,
AIKEN,
KENNEDY,
O'KEEFE,
Com. House.

STUART,
YAGER,
DAVIS,
NEWCOMER,
Com. Council.

On motion, the House adjourned.

J. H. ROGERS,
Speaker of House of Representatives.
A. H. BARRETT, *Chief Clerk.*

THIRTY-NINTH DAY.

FEBRUARY 12, 1874.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Council, through Carpenter, their Chief Clerk:

COUNCIL CHAMBER, }
February 11, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body :

That H. B. No. 22 was indefinitely postponed.

That H. B. 3 passed the Council with amendments.

That H. J. M. No 3 and H. B. No. 73 passed the Council.

That Yager gave notice of a bill to aid the Virginia and National Park wagon road.

Respectfully,

CARPENTER, *Chief Clerk.*

Mr. Carmichael reported as follows :

MR. SPEAKER—The majority of your Committee on Agriculture and Manufactures, to whom was referred H. B. No. 74, after having the same under consideration, instruct me to report the same back with amendments, and recommend that it do pass as amended.

CARMICHAEL, *Chairman.*

Amend by striking out “three” wherever it occurs, and insert “five.”

Emerson reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 67, have had the same under consideration, and beg leave to report the same back to the House, with recommendation that it do not pass.

EMERSON, *Chairman.*

Carmichael reported as follows :

MR. SPEAKER—Your Committee on Agriculture and Manufactures, to whom was referred H. B. No. 55, a bill for An Act in relation to marks and bonds, after having the same under consideration, beg to report the same back with accompanying amendments, and recommend that it do pass as amended.

A. CARMICHAEL, *Chairman.*

Report and amendments adopted.

Stafford reported as follows :

MR. SPEAKER—Your Committee on Indian Affairs, to whom was referred H. J. M. No. 6, beg leave to report the same back to the House with the recommendation it do pass.

All of which is respectfully submitted.

STAFFORD, *Chairman.*

Heldt, chairman of the Committee on Engrossment, reported H. Bs. Nos. 42 and 58 correctly engrossed.

Harrington reported as follows :

MR. SPEAKER—Your Committee on Territorial Affairs, to whom was referred C. B. No. 45, have had the same under consideration, and return the same without recommendations.

HARRINGTON.

McCauley, chairman of the Committee on Public Lands, reported as follows :

MR. SPEAKER—On the fifth day of February, 1874, the House of Representatives passed the following resolution :

Resolved, That the Committee on Public Lands be instructed to enquire what causes have operated within this Territory to prevent a larger entry of agricultural lands, and to report what remedies are necessary to remove the same.

Your Committee on Public Lands has had the same under consideration, as also so much of the message of His Excellency the Governor pertaining to the matter of the public lands within this Territory and their settlement as was referred to this committee, and now beg leave to report that the causes which have operated to limit the entry of public lands within the district of Montana Territory are as follows :

1st. Large reservations of valuable lands which have been secured to the Crow Indians, by the treaty of May 7th, 1868.

2d. The treaty made with the Flathead and confederated tribes in 1855, by which other large tracts of valuable lands were withheld from the operations of the homestead laws of the United States, and which under more recent treaties are now only open for occupancy upon exceptional conditions.

3d. The withdrawal of all lands north of the Missouri and Marias River from occupancy and sale by an executive order, which contemplates their occupancy under a treaty to be made with the Blackfeet, Grasventres, Assinniboins and other Indians.

4th. The withdrawal of the lands on either side of a preliminary proposed route of a railroad to be constructed by the Northern Pacific Railroad Company through the entire length of the Territory from the operation of the ordinary homestead and pre-emption laws of the United States, in which tract — eighty miles in width — the most valuable lands within this Territory are included.

5th. Some order or ruling of the Interior Department, by which all surveyed lands within the Territory are held *prima facie* to be mineral lands, and onerous burdens thrown upon our settlers in notifying whom it may concern of their application to enter the same as agricultural lands, and that on a day named they will appear with witnesses to prove the non-mineral character thereof, whereby your committee is of opin-

ion that the actual cost of the public lands to the settler is at least double the actual Government price.

Your committee is of the opinion that the fourth and fifth causes above set forth impose the most onerous and inexcusable of these burdens.

Your committee has prepared a memorial covering the grievances it recites above, and is of the opinion that Congress or the Executive Departments of the General Government, when the facts are brought to their knowledge, will remedy the grievances our people suffer.

All of which is respectfully submitted.

G. W. McCauley, *Chairman*.

On motion of Ezekiel, the House concurred in the amendments of the Council to H. B. No. 3.

Sanders introduced H. B. No. 76: An Act to curtail certain expenses. Read first time.

Ezekiel moved to reject the bill, which was lost.

Ayes—Aiken, Coleman, Curtis, Ezekiel and Kerley—5.

Nays—Alger, Arnoux, Brown, Chessman, Dean, Dusold, Emerson, Hartwell, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keef, Sanders, Stafford, Sutton, Tate and Mr. Speaker—20.

Aiken in the chair.

The bill was then read the second time, and on motion of Sanders, was referred to the Committee on Judiciary.

C. B. No. 56: An Act to amend sections 23 and 25 of chapter 21, of an act revising, re-enacting and codifying the general and permanent laws of Montana Territory. Read first and second times, and on motion of Rogers, the rules were suspended, read the third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—26.

Nays—None.

Title agreed to.

Alger reported as follows :

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. Bs. Nos. 35, 37 and 60, correctly enrolled.

Respectfully,

JOS. M. ALGER, *Chairman*.

C. C. R. No. 9 : Read first and second times, and referred to the Committee on Printing.

C. B. No. 61 : An Act in relation to a fire tax in the town of Helena, Lewis and Clarke county. Read first and second times, and on motion of Sanders, rules suspended, read third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton and Mr. Speaker—23.

Nays—Tate—1.

Title agreed to.

C. B. No. 26 : An Act to amend section 7 of chapter 20 of an act concerning counties and county boundaries. Read first and second times and referred to a committee composed of the delegations from Gallatin, Choteau and Meagher.

On motion of Sanders, the following amendment was adopted :

Amend enacting clause so it shall read "Be it enacted by the Legislative Assembly of the Territory of Montana."

Mr. Speaker announced that he had signed H. Bs. Nos. 35, 37 and 60.

C. B. No. 55: An Act to amend sections 56, 139, 140, 155 and 156 of an act entitled An Act regulating proceedings in civil cases in the courts of justice in the Territory of Montana. Read first and second times, and referred to the Committee on Judiciary.

C. B. No. 47: An Act entitled An Act to amend chapter 50 of the general and miscellaneous laws. Read first and second times, and on motion of Hartwell, rules suspended, read the third time and passed.

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton, Tate and Mr. Speaker—23.

Nays—Kennedy and Stafford—2.

Title agreed to.

On motion of Tate, the House took a recess until 2 o'clock this P. M.

2 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

C. B. No. 51: An Act to amend an act entitled An Act to regulate and govern the Montana Penitentiary, approved May 8th, 1873. Read first time.

Kerley moved that the bill be rejected. Motion lost. Read second time and referred to the Committee on Territorial Affairs.

C. B. N. 60: An Act to record sheriffs' certificates of sale and attachment. Read first time.

Hartwell moved to reject the bill. Motion lost. Read second time and referred to the Committee on Judiciary.

C. B. No. 63: An Act to appoint a Fire Warden in the town of Bozeman. Read first and second times and referred to Mr. Coleman, of Gallatin county.

C. C. R. No. 8: Read first and second times, rules suspended, read third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker.—25.

Nays—None.

Title agreed to.

C. B. No. 62, An Act to authorize the county commissioners of Deer Lodge county to remove the dead buried in the county within the limits of the town of Deer Lodge, read first and second times, rules suspended, read third time and passed :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—25.

Nays—None.

Absent—O'Keefe.

Title agreed to.

Alger, chairman of the Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Joint Committee on Enrollment beg leave to report H. B. No. 35, An Act apportioning the members of the Legislative Assembly, and prescribing the times of their election; also, H. B. No. 37, An Act establishing the fees of territorial treasurer and auditor; also, H. B. No. 60, An Act to protect the town of Bozeman against fire, etc., handed to the Governor for his approval at 12:35 this P. M.

Respectfully,

JOS. M. ALGER, *Chairman.*

Heldt reported H. Bs. Nos. 55 and 74 correctly engrossed.

Carpenter, chief clerk of the Council, delivered the following message from the Council:

COUNCIL CHAMBER,
February 12, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body:

That Maillet introduced C. C. R. No. 12, in relation to printing laws of this session.

That H. Bs. Nos. 40 and 29 have passed the Council.

That C. B. No. 64, in relation to the funded debt of Lewis and Clark county; C. C. R. No. 11, in relation to the publication of report of superintendent public instruction; and C. C. R. No. 10, in relation to a *sine die* adjournment have passed the Council.

That Yager has introduced C. B. No. 65, to make an appropriation to the Virginia City and National Park wagon road.

That Arick has given notice of a bill to enable the people of the Territory of Montana to aid in the construction of a railroad.

Respectfully,

CARPENTER, *Chief Clerk.*

C. C. R. No. 10, read first and second times, and, on motion of Sanders, was made the special order for 2 o'clock P. M. to-morrow.

C. C. R. No. 11, read first and second times, and, on motion of Stafford, made the special order for 2:30 o'clock P. M. to-morrow.

C. B. No. 64, An Act to provide for the funded debt of Lewis and Clark county, read first and second times and committed to delegation of Lewis and Clark county.

H. B. No. 42, An Act in relation to mechanic's lien, read third time and passed:

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Curtis, Dean, Dusold, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, Sanders, Stafford, Sutton and Tate—20.

Nays—Kerley and Mr. Speaker—2.

Title agreed to.

Alger, from the Joint Committee on Enrollment, reported C. B. No. 35 correctly enrolled.

Sanders, chairman of the Committee of the Whole, reported as follows:

MR. SPEAKER—Your Committee of the Whole House have had under consideration C. B. 33, a bill for An Act to provide for a system of common schools, and have adopted the accom-

panying amendments, and recommend that the House adopt the same, and that the bill as so amended do pass.

W. F. SANDERS, *Chairman.*

1st. Strike out all of section 2 after word "territory" in line five.

2d. Amend section 15: strike out "twenty" in line 2, and insert "ten" in lieu thereof.

3d. Amend section 46 by striking out all after word "taxes" in line 22 down to, and including, the word "them" in line 25 thereof.

4th. Amend section 47 by inserting after word "manner" in lines 4 and 5, the words "and at the same time."

5th. Amend section 43 by striking out the words "three nor more than five" where they occur in line 2, and inserting in lieu thereof the words "one nor more than six."

6th. Amend section 33 by striking out the word "shall" in line 3, and inserting the word "may" in lieu thereof.

7th. Amend the bill by striking out section 63, and making sections 64 and 65 sections 63 and 64, respectively.

W. F. SANDERS, *Chairman.*

Report adopted.

The following amendments were, on motion of Stafford, adopted:

Amend section 31 by adding: In districts where there are no schools taught during the year, parents and persons having charge of children in such districts shall be allowed to send such children to any district school in the county without charge for tuition.

Sanders moved to strike out section 33, and change subsequent numbers of sections to correspond, upon which the ayes and nays were called:

Ayes—Carmichael, Chessman, Dean, Dusold, Hartwell, Heldt, Mallory and Sanders—8.

Nays—Aiken, Alger, Arnoux, Brown, Coleman, Curtis, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mead, McCauley, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—18.

And the motion was lost.

Sanders offered the following amendment, which was lost:

Provided, That if any scholar is excluded from school on account of color it shall be the duty of the board of trustees to provide for the education of the children so excluded.

On motion of Kerley, the bill was then read third time by title, and passed as amended:

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—Dean, Dusold and Mallory—3.

Title agreed to.

Heldt, chairman of the Committee on Engrossment, reported H. J. M. No. 6 correctly engrossed.

H. B. No. 55, An Act to amend an act in relation to marks and brands, read third time and passed:

Ayes—Alger, Arnoux, Carmichael, Chessman, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, O'Keefe, Sanders, Stafford, Tate and Mr. Speaker—18.

Nays—Aiken, Brown, Coleman, Curtis, Mallory, Mead, McCauley and Sutton—8.

Title agreed to.

H. J. M. No. 6, read third time and passed :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Coleman, Curtis, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mead, McCauley, O'Keefe, Sanders, Stafford, Tate and Mr. Speaker—21.

Nays—Chessman, Dean, Heldt and Sutton—4.

Title agreed to.

H. B. No. 58, An Act fixing the time of meeting of the Legislative Assembly of the Territory of Montana, read third time and passed :

Ayes—Arnoux, Brown, Carmichael, Chessman, Coleman, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kerley, Mallory, Mead, McCauley, Sanders, Sutton and Tate—18.

Nays—Aiken, Curtis, Dean, Kennedy, Stafford and Tate—6.

Title agreed to.

Sanders in the chair.

The following communication was received from the Council :

COUNCIL CHAMBER, }
February 12, 1874. }

MR. SPEAKER—I am instructed by the Council to inform your honorable body :

That H. Bs. Nos. 13 and 66 were lost in the Council.

That H. Bs. Nos. 46, 56, and 62 have passed the Council.

Respectfully,

CARPENTER, *Chief Clerk.*

H. B. No. 67.

On motion of Rogers H. B. No. 67 was indefinitely postponed.

H. B. No. 74, An Act to encourage manufactories, read third time and passed:

Ayes—Brown, Carmichael, Curtis, Dean, Emerson, Ezekiel, Kennedy, Kerley, Mallory, McCauley, O'Keefe, Sutton and Mr. Speaker—13.

Nays—Aiken, Alger, Chessman, Coleman, Dusold, Hartwell, Harrington, Heldt, Mead, Sanders, Stafford and Tate—12.

Title agreed to.

On motion of Dusold, C. B. No. 45 was indefinitely postponed.

C. B. No. 50, an act to amend an act entitled An Act to amend section 6, chapter 1, of an act entitled the criminal practice act, read third time and passed:

Ayes—Aiken, Alger, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton and Mr. Speaker—22.

Nays—Kennedy and Tate—2.

Alger moved to amend the title so as to read:

An Act to amend section 6 of chapter 1 of an act entitled an act to regulate proceedings in criminal cases in the courts of justice in the Territory of Montana, approved January 12, 1872.

Motion carried.

Title agreed to as amended.

Kerley reported as follows:

MR. SPEAKER—Your Committee on Printing, to whom was referred C. C. R. No. 9, have had the same under consideration and beg leave to report the same back to the House, with the recommendation that it do pass.

KERLEY, *Chairman.*

Brown reported as follows:

MR. SPEAKER—Your Committee on Mines and Minerals, to whom was referred H. B. No. 75, a bill for An Act authorizing the county of Beaver Head to aid in the erection of a quartz mill, have had the same under consideration and beg leave to report the same back to the House, with the recommendation that it do pass as amended.

BROWN, *Chairman.*

SEC. 6. The electors at said election shall designate by their ballots the place at which said mill shall be erected.

Section 6 read as section 7.

Report adopted.

Amendment adopted.

The following report was made by Ezekiel:

MR. SPEAKER—Your Select Committee, to which was referred the petition of the Montana members of the Centennial Committee, have had the same under consideration, and believing that the present Legislative Assembly should provide in some manner for a fair representation of the products of this territory, beg leave to submit the accompanying resolution.

EZEKIEL,
W. F. SANDERS,
E. D. AIKEN.

On motion of Kerley the House adjourned.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

FORTIETH DAY.

FEBRUARY 13, 1874.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Sanders submitted the following report of the committee on Education and Labor :

MR. SPEAKER—Your Committee on Education and Labor, to which was referred so much of the Message of his Excellency, the Governor, as relates to the observance of the first day of the week as a day of rest; to the violation of the tax law; relating to taxes for schools by the commissioners of the county of Meagher; to the report of the superintendent of public instruction, and the accompanying report; to the report of the Historical Society and the accompanying report; the report of the Justices of the Supreme Court; as to the expediency for the benefit of the law library of the Territory,

and the accompanying report, have had the same under consideration, and report :

1st. That it has no further report to make on the subject, a law to enforce the observance of the first day of the week, a day of rest, than theretofore made. The law of Dec. 10th, 1867, yet in force, has been considered by both Houses adequate for this purpose.

2d. As to the failure of the county commissioners of Meagher county to levy the adequate tax to support the common schools, your committee beg leave to state that from the known character of the gentlemen who comprise the board of county commissioners of that county, the committee is satisfied that there was no intention to disobey the law of the Territory, nor indeed is it clear that they did violate the law of this Territory. On the 12th day of January, 1872, an act providing for the collection of revenue was approved (see revised Statutes, pages 600 and 616), by which a levy of from one to three mills was authorized. By an act approved the same day entitled, An Act to provide for a system of common schools (revised Statutes, sec. 44, page 630), it is provided that the levy for this purpose shall not be less than three nor more than five mills. There is nothing in the Statutes nor in the Journal of the House to show which was last approved. Your committee does not wholly approve of the manner in which it is proposed to remedy the contradiction; but C. B. No. 33, in the House for action, does obviate this contradiction.

3d. Your committee approved the recommendation of the faithful and intelligent superintendent of public instruction, to whose fidelity and zeal the efficiency of our school system is so largely due. Your committee recommends the publication of the report.

4th. Your committee has had under consideration the report of the justices of the supreme court, as to the expenditures of the appropriation for the benefit of the Territorial

law library. It approves of the same, and does not doubt the wisdom of the suggestions made for an increase, but regarding the condition of the Territory, does not now bring a bill providing for such increase.

5th. The committee has also had under consideration the report of the Historical Society. It is to be regretted that our citizens generally do not regard the society and its objects with greater interest, but your committee is gratified to know that this interest is increasing, and its efficiency is rapidly augmenting. The recent loss of the library and archives of the society, as sudden and remarkable as it was unexpected, is to be regretted. It is gratifying to know but a small portion of the former annual appropriation has been expended, and that some of the most valuable books of the society escaped destruction. Contributions, books, manuscripts, minerals and curiosities by our citizens, will rapidly build this society up, and it is worthy of private and public considerations. These various subjects have been acted upon by the House, in such a manner as its ——— offered. And your committee make no further recommendation.

All of which is respectfully submitted.

W. F. SANDERS,
J. S. STAFFORD,
A. CARMICHAEL,
J. A. ALGER,
J. M. ARNOUX,

Committee on Education and Labor.

Harrington, from Committee on Territorial Affairs, reported back C. B. No. 51, recommending it do not pass.

Alger, chairman of Committee on Judiciary, reported back C. B. No. 60, recommending it do not pass; also C. B. No. 55 and H. B. No. 76, recommending they do pass.

Alger, chairman of the Joint Committee on Enrollment, reported C. Bs. Nos. 56, 62, 61, 50, 54, 47, and C. C. R. No. 8 correctly enrolled.

Hartwell reported back C. B. No. 64, recommending it do pass.

Alger, from Joint Committee on Enrollment, reported H. Bs. Nos. 3, 29, 40, 46, 48, 73, and 56, and H. J. Ms. Nos. 3 and 6 correctly enrolled.

House Concurrent No. 2 was read first and second times, rules suspended, considered engrossed, read third time and passed.

Ayes—Aiken, Alger, Brown, Carmichael, Chessman, Coleman, Curtis, Dusold, Emerson, Ezekiel, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, Sanders, Sutton and Mr. Speaker—20.

Nays—Dean, Kerley, Stafford, and Tate—4.

Title agreed to.

A communication was received from the Governor announcing that he had approved H. Bs. Nos. 71 and 63; also, H. J. M. No. 4; also, H. J. R. No. 4.

Alger reported H. Bs. Nos. 48, 46, 40, 29, 3, 56, and H. J. M. Nos. 3 and 6 handed to the Governor for his approval at 11:40 this A. M.

Coleman, from select committee, reported back C. B. No. 63 with amendments. Amendments rejected, bill read third time and passed.

Ayes—Aiken, Arnoux, Brown, Carmichael, Dean, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Mallory, O'Keefe, Sanders, Stafford, Tate and Mr. Speaker—16.

Nays—Curtis, Coleman, Harrington, Kennedy, Kerley, Mead, McCauley and Sutton—8.

Title agreed to.

The following was adopted :

Resolved, That the House, on its part, adopt the following Rule for the government of the two Houses, and ask the Council to adopt the same :

Rule 16.—The title of each Bill shall describe with brevity the nature of the Bill, and if amendatory to an existing Statute, the same shall be specified in the body of the bill and not in the title.

DEAN.

House Bill No. 78, a bill for an act concerning lincense, introduced by Coleman, was read first time, second reading objected to, objection not sustained, rules suspended, read third time and lost.

Ayes—Aiken, Alger, Brown, Coleman, Curtis, Ezekiel, Kennedy, Kerley, Mead, O'Keefe, Stafford, Sutton, Tate and Mr. Speaker—14.

Nays—Arnoux, Carmichael, Chessman, Dean, Dusold, Hartwell, Harrington, Heldt, Mallory, McCauley and Sanders—11.

H. B. No. 77, an act to amend an act entitled An Act to incorporate the city of Virginia, approved Dec. 30, 1864, read first and second times, rules suspended, read a third time by its title, and passed by the following vote :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—25.

Nays—None.

Absent—Heldt.

Title agreed to.

H. B. No. 75, an act to authorize the county of Beaver Head to aid in the erection of a quartz mill. Amendments adopted, rules suspended, read third time, and passed.

Ayes—Arnoux, Brown, Carmichael, Coleman, Curtis, Dean, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, O'Keefe, Stafford, Sutton and Tate—16.

Nays—Aiken, Alger, Chessman, Dusold, Hartwell, Heldt, McCauley, Sanders and Mr. Speaker—9.

Alger, from Joint Committee on Enrollment, reported H. B. No. 42 handed to the Governor for his approval at 12 m., this day.

On motion the House took a recess until 1:30 o'clock p. m.

1:30 o'clock p. m.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

C. B. No. 64, an act to provide for the funded debt, Lewis and Clark county, was read third time and passed.

Ayes—Aiken, Arnoux, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Tate and Mr. Speaker—22.

Nays—None.

Absent—Alger, Brown, Carmichael and Coleman—4.

Title agreed to.

Communication was received from the Council announcing that H. B. No. 77 passed the council; that H. B. No. 74 was lost in the Council; that C. B. No. 53 had passed the Council.

H. B. No. 76 was made the special order for 2:15 this p. m.

C. B. No. 26 was reported back from committee with amendments. Amendments adopted, read third time and passed.

Ayes—Aiken, Arnoux, Chessman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

Nays—None.

Absent—Alger, Brown, Carmichael and Coleman—4.

Title agreed to.

C. B. No. 44 read third time and passed.

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—24.

Nays—None.

Absent—Alger and O'Keefe—2.

Title agreed to.

A communication was received from the Governor announcing that he had, on the 13th day of February, approved H. Bs. Nos. 46, 56, 3, 48, 40, and 73.

The Speaker announced that he had signed H. B. No. 77, and H. C. R. No. 2.

C. B. No. 59, An Act to provide for the custody and maintenance of the insane, read first and second times, rules suspended, read third time and passed :

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Sutton and Mr. Speaker—23.

Nays—Stafford and Tate—2.

Absent—Alger.

Title agreed to.

C. B. No. 46, read first and second times, rules suspended, read third time and passed :

Ayes—Brown, Carmichael, Chessman, Coleman, Dusold, Emerson, Ezekiel, Hartwell, Heldt, Kennedy, McCauley, Sanders, Stafford, Sutton and Tate—14.

Nays—Aiken, Arnoux, Curtis, Harrington, Kerley, Mead, O'Keefe, and Mr. Speaker—8.

Title agreed to.

Alger, from the Committee on Enrollment, reported H. B. No. 77, and H. C. No. 2, correctly enrolled.

C. C. R. No. 10 was made the special order for 10 o'clock p. m.

C. B. No. 51, An Act to amend an act to regulate and govern the Montana Penitentiary, approved May 8th, 1873, read third time and passed.

Ayes—Aiken, Alger, Arnoux, Brown, Chessman, Dusold, Emerson, Ezekiel, Harrington, Heldt, Mallory, Mead, Sanders, and Mr. Speaker—14.

Nays—Carmichael, Curtis, Coleman, McCauley, Stafford, Sutton and Tate—7.

Title agreed to.

C. B. No. 14, read first and second times, rules suspended, read third time and passed :

Ayes—Aiken, Alger, Arnoux, Brown, Carmichael, Chessman, Coleman, Dean Dusold, Emerson, Ezekiel, Harrington, Heldt, Kerley, Mallory, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

Nays—Curtis, Kennedy and Mead—3.

Title agreed to.

A communication was received from the Governor announcing that he had approved H. B. No. 77, H. C. R. No. 2, and H. Bs. Nos. 35 and 39.

C. B. No. 53, An Act defining the duties of the Territorial Auditor, read first and second times, rules suspended, read third time and passed.

Title agreed to.

C. B. No. 53, An Act to amend sections 56, 139, 140, 155 and 156 of an act regulating proceedings in civil cases in the courts of justice in the Territory of Montana, approved January 12th, 1872.

The following resolution was adopted :

Resolved, That the House of Representatives of the Legislative Assembly of the Territory of Montana do hereby invite the attendance of the ladies of Virginia City, capital of Montana, and their escorts, inside the Bar of this House at this evening session, to witness the closing scenes of the session.

KERLEY.

Sanders offered the following resolution, which was adopted :

Resolved, That the thanks of the House of Representatives are pre-eminently due, and are hereby tendered to the Hon. J. H. Rogers, Speaker of the House, for the uniform impartiality and efficiency with which he has presided over its deliberations and forwarded the business of the session. That our thanks are further due to the Rev. H. H. Prout, Chaplain of the House, for the faithfulness and courtesy manifested by him in the discharge of his professional duties as Chaplain of the House ; to A. H. Barrett, chief clerk of the House, and his assistant, and the other officers and attaches of the House, for the manner in which they have discharged their several duties.

On motion the House took a recess until 7 o'clock P. M.

7 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

Alger, from the Joint Committee on Enrollment, reported H. Bs. Nos. 62 and 76 correctly enrolled.

C. C. R. No. 9, read third time and passed :

Ayes—Aiken, Arnoux, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Kerley, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

Nays—None.

Title agreed to.

Arnoux, a select committee of one, reported H. J. M. No. 5, with amendment:

Amend by striking out of line 19, second page, the words "from 10 to 12" where they occur, and insert the word "three" in lieu thereof.

Amendment adopted.

Rules suspended, considered engrossed, read third time by its title, and passed :

Ayes—Aiken, Brown, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—21.

Nays—None.

Title agreed to.

Mr. Speaker announced that he had signed H. Bs. Nos. 76 and 62.

C. C. R. No. 13, read first and second times, and, on motion of Sanders, the following amendment was adopted :

Amend by striking out all after the word "that" in the fourth line down to, and including, the word "practicable" in sixteenth line of first page; also, by striking out the word "said" where it occurs before the word "Assembly" and insert the words "Legislative Assembly" in lieu thereof.

Rules suspended, read third time and passed :

Ayes—Aiken, Arnoux, Brown, Carmichael, Chessman, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, Sanders, Stafford, Sutton, Tate and Mr. Speaker—23.

Nays—None.

Title agreed to.

H. B. No. 45 was taken up — report of committee adopted.

Committees were called for reports of bills, if any, in their hands.

Stafford, from the Committee on Indian Affairs, reported H. B. No. 33, with amendments.

Report rejected.

On motion of Sanders, the vote by which C. C. R. No. 10 was made the special order for 10 o'clock P. M. was reconsidered, and the resolution was made the special order for 9 o'clock this P. M.

Alger, chairman of the Committee on Enrollment, reported C. Bs. Nos. 33, 59, 53, 46, 44, 55, and 63, correctly enrolled.

On motion of Arnoux, the House took a recess until 9 o'clock this P. M.

9 o'clock P. M.—The House resumed. Mr. Speaker in the chair.

Roll called—quorum present.

C. C. R. No. 10 was taken up, amended so as to read 10 o'clock P. M. instead of 12 o'clock A. M. Rules suspended, considered engrossed, read third time and passed.

Ayes—Aiken, Alger, Brown, Carmichael, Coleman, Curtis, Dean, Dusold, Emerson, Ezekiel, Harrington, Kennedy, Kerley, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Sutton, Tate and Mr. Speaker—22.

Nays—None.

Title agreed to.

Alger, from Committee on Enrollment, reported H. Bs. Nos. 62, 75 and 76 handed to the Governor at 8:15 this P. M.

The following resolution was adopted:

Resolved, That a committee of three be appointed to wait upon the Governor and ascertain whether he had any further communication to make to the House.

C. B. No. 67, to provide for regulating terms of the Probate Courts, was read first and second times, rules suspended, considered engrossed, read third time and passed.

Ayes — Aiken, Arnoux, Brown, Carmichael, Curtis, Dean, Dusold, Emerson, Ezekiel, Hartwell, Harrington, Heldt, Kennedy, Mallory, Mead, McCauley, O'Keefe, Sanders, Stafford, Tate and Mr. Speaker—21.

Nays—None.

Title agreed to.

Alger, from the Joint Committee on Enrollment, reported C. Bs. Nos. 51, 26, 14, 7, and 64, C. J. R. No. 13, and C. C. R. No. 9 correctly enrolled.

The Speaker announced that he had signed C. Bs. Nos. 51, 26, 14, 7, and 64, C. J. R. No. 13, and C. C. R. 9.

Communication from the Council announcing that the Council had refused to concur in House amendment to C. C. R. No. 10, and had appointed Newcomer, Dance and Maillet a Conference Committee, and ask the House to appoint a like committee.

Kerley, from Select Committee, reported that the Governor wished to further communicate with the House.

Mr. Speaker appointed Mead, Kerley and Sanders to confer with the Council Committee on C. C. R. No 10.

Communication from the Council announcing that the Council had passed H. J. M. No. 5.

On motion, the House took a recess until 11:30 o'clock p. m.

11:30 o'clock p. m.—House resumed. Mr. Speaker in the chair.

Quorum present.

Communication from the Council announcing that H. B. No. 70 had passed the Council.

Communication from the Governor, announcing that he had this day approved H. J. M. No. 3, H. Bs. Nos. 42, 37, 76 and 62.

On motion of Sanders, the House took a recess until 11:50 p. m.

11:50 o'clock p. m.—House resumed. Mr. Speaker in the chair.

Roll called — quorum present.

Alger, from Committee on Enrollment, reported H. B. No. 70 correctly enrolled; also, H. J. M. No. 5 correctly enrolled.

The Speaker announced that he had signed H. B. No. 70, also H. J. M. No. 5.

Sanders, from Select Committee on the disagreement of the two Houses as to the House amendment to C. C. R. No. 10,

sine die adjournment, recommending that the House recede from their amendments.

Report adopted and amendments receded from.

Alger, from Joint Committee on Enrollment, reported H. B. No. 70 and H. J. M. No. 5 handed to the Governor for his approval at 11:40 this p. m.

Communication from the Governor, through Dr. George Callaway, his private secretary, announcing that he had approved this day H. B. No. 70, also H. J. M. No. 5.

The hour of 12 o'clock, midnight, having arrived, which being the time for *sine die* adjournment, as prescribed in C. C. R. No. 10, the Speaker's gavel fell, and he declared the House adjourned *sine die*.

We hereby certify that the foregoing pages from page 283 to page 475 inclusive, (is) a true and correct Journal of the proceedings of the Eighth Legislative Assembly.

J. H. ROGERS,

Speaker of House of Representatives.

A. H. BARRETT, *Chief Clerk.*

SECRETARY'S OFFICE,
MONTANA TERRITORY,
VIRGINA CITY, March 4, 1874. }

I, James E. Callaway, Secretary of the Territory of Montana, do hereby certify that the foregoing Journal of the House of Representatives, of the Eighth Legislative Assembly of said Territory, is a full and correct copy of the original Journal now in my office.

In testimony whereof I have hereunto set my
[SEAL] hand, and affixed the seal of said Territory, the day
and year above written.

JAMES E. CALLAWAY, *Secretary.*

